

**FINAL**  
CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
09:00 a.m. May 13, 2008

City Council Chambers  
455 North Main

**OPENING OF REGULAR MEETING**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the regular meeting on May 6, 2008

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**AWARDS AND PROCLAMATIONS**

- Proclamations:
  - Autism Awareness Month
  - Americorps Week
  - Arson Awareness Month
  - Sidney Dickson Day
  - WSU Men's Bowling Team
- Presentations:
  - Honorary Citizen Certificates to our two Brazilian Firefighters visiting the City of Wichita
  - Fred Riffel, recipient of the KWEA Crystal Crucible Award

**PUBLIC AGENDA**

NOTICE: No action will be taken relative to items on this agenda other than referral for information. Requests to appear will be placed on a "first-come, first-served" basis. This portion of the meeting is limited to thirty minutes and shall be subject to a limitation of five minutes for each presentation with no extension of time permitted. No speaker shall be allowed to appear more frequently than once every fourth meeting. Members of the public desiring to present matters to the Council on the public agenda must submit a request in writing to the office of the city manager prior to twelve noon on the Tuesday preceding the council meeting. Matter pertaining to personnel, litigation and violations of laws and ordinances are excluded from the agenda. Rules of decorum as provided in this code will be observed.

1. Buck Goodman-Concerns regarding the Boathouse.
2. Rickie Coleman, Sunflower Community Action-Police Accountability and video cameras in police cars.
3. Emira Palacios-Sunflower Community Action-Concerns within the Hispanic Community.
4. Carlene Eye, Sunflower Community Action-Police Detective violation of civil rights.

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**COUNCIL BUSINESS**

**UNFINISHED COUNCIL BUSINESS**

5. Petition to pave parts of New Jersey Drive, Valley Forge Road and Brandywine Road, east of Oliver, north of 31<sup>st</sup> Street South. (District III)  
(Deferred May 6, 2008)

RECOMMENDED ACTION: Approve the Petition, adopt the Resolution, and authorize the necessary signatures.

**NEW COUNCIL BUSINESS**

6. Appeal of Denial of Manufactured Home Park Annual License Renewal Oakwood Manor Mobile Home Park, 5420 S. Broadway. (District III)

RECOMMENDED ACTION: Based on evidence and testimony presented during the appeal hearing and take appropriate action. The City Council can: sustain the action to deny renewal of the license; reverse the action to deny renewal of the license; modify the OCI denial of the manufactured home park license; OR defer Council action to provide appellant additional time to correct remaining code violations.

7. Purchase Option for 1997 Project (BOEING IRB Asset Trust).

RECOMMENDED ACTION: Adopt the Resolution conditionally approving the execution and delivery of the conveyance and termination instruments and authorize necessary signatures.

8. 2008-2009 HUD Combined Allocations/Annual Action Plan. (Districts I, III, IV, VI)

RECOMMENDED ACTION: Close the public comment period; approve the proposed 2008/2009 Annual Action Plan as an amendment to the City's Consolidated Plan; authorize submission of the plan to HUD; and authorize all necessary signatures.

9. Neighborhood Nuisance Enforcement Code Amendments Chapter 8.01 of the Code of the City of Wichita.

RECOMMENDED ACTION: Approve first reading of the ordinance amending Chapter 8.01 of the Code of the City of Wichita.

10. Graffiti Ordinance Code Amendments Chapter 5.37 of the Code of the City of Wichita.

RECOMMENDED ACTION: Approve first reading of the ordinance amending Chapter 5.37 of the Code of the City of Wichita.

11. Traffic Ordinance Amendments (OCI parking enforcement authority) Chapter 11.52.035 of the Code of the City of Wichita.

RECOMMENDED ACTION: Approve first reading of the ordinance creating Chapter 11.52.035 of the Code of the City of Wichita.

12. Countywide Stormwater Management Manual.

RECOMMENDED ACTION: Approve the Joint Funding Agreement, design agreement, resolution and authorize the necessary signatures.

13. Quarterly Financial Report for the Quarter Ending March 31, 2008.

RECOMMENDED ACTION: Receive and file the Quarterly Financial Report for the quarter ended March 31, 2008.

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**COUNCIL BUSINESS SUBMITTED BY CITY AUTHORITIES**

**PLANNING AGENDA**

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

14. \*CUP2008-00005 and ZON2008-00007 – Creation of DP-311 Moorings Plaza II Commercial and Residential Community Unit Plan and zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”) and NR Neighborhood Retail (“NR”). Generally located south of 53rd Street North and west of North Meridian Avenue. (District VI)

RECOMMENDED ACTION: Adopt the findings of the MAPC and approve the community unit plan and the zone change to LC Limited Commercial (“LC”) and NR Neighborhood Retail (“NR”); withhold the publication of the ordinance until the plat is recorded; OR Return the application to the MAPC for reconsideration.

15. \*ZON2008-14-Zone change from LC Limited Commercial to OW Office Warehouse; generally located south of 53rd Street North and west of Arkansas. (District VI)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change, publish the zone change ordinance; OR 2) Return the application to the MAPC for reconsideration.

16. \*SUB 2007-98-Plat of Mike Steven Motors Addition located west of Rock Road and on the south side of Kellogg.  
(District II)

RECOMMENDED ACTION: Approve the documents and plat, authorize the necessary signatures and approve first reading of the Ordinance.

17. \*A08-05R-Request by John Philbrick, of the Property Management Division, and David Warren, of Wichita Water Utilities, on behalf of the City of Wichita to annex land generally located north of 37th Street North, between 135th Street West and 119th Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

18. \*A08-06R-Request by John Philbrick, of the Property Management Division, and Doug Kupper, of the Park and Recreation Department, on behalf of the City of Wichita to annex land generally located north of US-54/Kellogg, between 135th Street West and 119th Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

19. \*A08-07R-Request by John Philbrick, on behalf of the City of Wichita, to annex land generally located north of 55th Street South, between Clifton Avenue and Southeast Boulevard. (District III)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

20. \*A08-08R-Request by John Philbrick, on behalf of the City of Wichita, to annex land generally located east of Rock Road, between 39th Street South and 31st Street South. (District II)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading, and authorize the necessary signatures.

21. \*A08-09R-Request by Alan S. Girrens to annex land generally located west of 119th Street West, between Pawnee Avenue and 31st Street South. (District IV)

RECOMMENDED ACTION: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

### **HOUSING AGENDA**

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on the items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\* Consent Items

**Allan Murdock, Housing Member is also seated with the City Council.**

None

### **AIRPORT AGENDA**

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

\*Consent items

None

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### **COUNCIL AGENDA**

#### **COUNCIL MEMBER AGENDA**

None

22.

#### **COUNCIL MEMBER APPOINTMENTS**

RECOMMENDED ACTION: Approve the Appointments.

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**CONSENT AGENDA**

23. Report of Board of Bids and Contracts, dated April 28, May 5, and May 12, 2008.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

24. Applications for Licenses to Retail Cereal Malt Beverages:

| <u>Renewal</u>    | <u>2008</u>                     | <u>(Consumption off Premises)</u> |
|-------------------|---------------------------------|-----------------------------------|
| Charlie D. Nguyen | Charlie's Groceries Convenience | 527 East Central                  |
| Huong V. Nguyen   | Lucky Market                    | 7100 East Harry Street            |

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

25. Preliminary Estimates:

- a. Lateral 11, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (468-84244/744278/480967) Does not affect existing traffic. (District V) - \$244,000.00
- b. Lateral 12, Main 4 Northwest Interceptor Sewer to serve Silverton Addition (north of 13th Street North, west of 135th Street West) (468-84245/744279/480968) Does not affect existing traffic. (District V) - \$286,000.00
- c. Storm Water Drain #345 to serve Cambria Addition (north of Pawnee, east of 143rd Street East) (468-84481/751466/485357) Does not affect existing traffic. (District II) - \$491,000.00
- d. Water Distribution System to serve Johnson Commercial Centre and Northgate Commercial Park First Addition (along 53rd Street North, west of Meridian) (448-90281/735417/470090) Does not affect existing traffic. (District VI) - \$116,000.00
- e. The cost of construction of Water Distribution System to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). (District IV) (448-89959/735351/470-024) – Total Estimated Cost \$71,400.00
- f. The cost of construction of Lift Station, Main 1, Boeing Sanitary Sewer to serve Clifton Cove Addition (south of 63rd Street South, west of Clifton). (District III) (468-84022/744171/480-859) – Total Estimated Cost \$586,500.00
- g. The cost of Façade Improvement Program for Old Town Courtyard by Marriott at 820 and 900 East 2nd Street to serve H.L. and Annie M. Taylor's Addition (between Seneca and Washington) (472-84288/766016/491-017) (District VI). – Total Estimated Cost \$657,000.00
- h. The cost of construction of Lateral 39, Main 1 Cowskin Interceptor Sewer to serve Rainbow Lakes West Addition (south of Central, east of 119th Street West). (District V) (468-84168/744180/480-868) – Total Estimated Cost \$210,400.00

RECOMMENDED ACTION: Receive and file.

26. Petitions for Public Improvements:

- a. Pave the west half of 159th Street East, from 3,000' south of 29th Street North to 29th Street North. (District II)
- b. Construct Sanitary Sewer and Water Improvements to serve part of Gateway Center Second Addition, south of 13th Street, east of Greenwich. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt resolutions.

27. Statement of Costs:

- a. 29th Street North from Tyler Road to Ridge Road (Design). Total Cost - \$148,035.53; (plus temporary note financing - \$1,155.50; plus idle fund interest - \$908.97; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$61,000.00; less transfers in - \$82,000.00; less financing previously issued - \$0). Financing to be issued at this time - \$7,100.00. (706856/472-83751/203-322).
- b. Rock Road from 21st to 29th Street North (Construction). Total Cost - \$1,930,297.74; (plus temporary note financing - \$1,500.82; plus idle fund interest - \$6,455.17; - less KDOT reimbursements - \$1,290,553.73; less financing from interfund transfers - \$492,000.00; less transfers in - \$123,000.00; less financing previously issued - \$0). Financing to be issued at this time - \$32,700.00. (706874/472-83889/204-340).
- c. 119th Street West from 17th Street North to 21st Street North (Construction). Total Cost - \$895,881.35; (plus temporary note financing - \$5,148.68; less idle fund interest - \$1,550.04; - less KDOT reimbursements - \$664,579.99; less financing from interfund transfers - \$200,000.00; less transfers in - \$23,500.00; less financing previously issued - \$0). Financing to be issued at this time - \$11,400.00. (706875/472-83890/204-341).
- d. MacArthur from Meridian to Seneca (Design). Total Cost - \$204,177.61; (plus temporary note financing - \$3,089.82; plus idle fund interest - \$2,732.57; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$177,200.00; less financing previously issued - \$0). Financing to be issued at this time - \$32,800.00. (706896/472-83996/204-362).
- e. Infrastructure improvements for The Boys and Girls Club site (Construction and Design). Total Cost - \$996,303.40; (plus temporary note financing - \$16,322.09; plus idle fund interest - \$4,957.81; - less KDOT reimbursements - \$0; less reimbursements - \$27,183.30; less transfers in - \$820,800.00; less financing previously issued - \$0). Financing to be issued at this time - \$169,600.00. (706930/472-84282/205-396).
- f. 55th Street South and Broadway Intersection (Design). Total Cost - \$78,709.52; (plus temporary note financing - \$986.24; plus idle fund interest - \$1,504.24; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$42,700.00; less financing previously issued - \$0). Financing to be issued at this time - \$38,500.00. (706936/472-84305/205-402).
- g. Central and Oliver Intersection (Construction). Total Cost - \$1,310,529.44; (plus temporary note financing - \$12,570.06; plus idle fund interest - \$23,799.96; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$198,300.00; less financing previously issued - \$0). Financing to be issued at this time - \$1,148,600.00. (706950/472-84362/206-416).
- h. 21st Street Bridge at the Arkansas River (Design). Total Cost - \$41,574.49; (plus temporary note financing - \$525.13; plus idle fund interest - \$700.38; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$15,000.00; less financing previously issued - \$0). Financing to be issued at this time - \$27,800.00. (715700/472-84019/244-116).
- i. Hillside Bridge at Range Road (Design). Total Cost - \$37,850.77; (plus temporary note financing - \$266.81; less idle fund interest - \$82.42; - less KDOT reimbursements - \$0; less financing from interfund transfers - \$0; less transfers in - \$20,000; less financing previously issued - \$0). Financing to be issued at this time - \$18,200.00. (715701/472-84000/244-117).

RECOMMENDED ACTION: Approve and file.

28. Agreements/Contracts:

- a. Agreement to Respread Assessments: Waterfront Residential Addition, north of 13th Street North, east of Greenwich. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

29. Design Services Agreement:

- a. Design Services for the Intersection of Douglas and Oliver. (District II) -Supplemental

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

30. Change Orders:

- a. Hess Electrical Improvements.

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

31. Minutes of Advisory Boards/Commissions

District Advisory Board I, March 4, 2008  
Board of Electrical Appeals, April 8, 2008

RECOMMENDED ACTION: Receive and file.

32. Senior Management Expenses for April 2008.

RECOMMENDED ACTION: Receive and file.

33. April 2008 Monthly Contracts and Agreements Report to Council.

RECOMMENDED ACTION: Receive and File.

34. Proposed Assessment Rolls.

Proposed Assessment Roll has been prepared for one (1) sewer project and it is necessary to set a public hearing date. Notification of the public hearing regarding the proposed special assessment will be mailed to affected property owners on May 9, 2008.

RECOMMENDED ACTION: Set the hearing on the Proposed Assessment Roll for 9:30 a.m., Tuesday, May 20, 2008.

35. Easement Encroachment Agreement. (District II)

RECOMMENDED ACTION: Approve the Agreement and authorize the necessary signatures.



36. 36-inch Water Main - 1st Street and McComas to Douglas and Hoover. (Districts IV and V)

RECOMMENDED ACTION: Approve the budget increase.

37. Grant with the Kansas Department of Transportation.

RECOMMENDED ACTION: Approve the filing for the grant with KDOT and authorize the Mayor to execute the contract.

38. Traffic Signalization Program. (Districts I, II, III, V, and VI)

RECOMMENDED ACTION: Approve the locations; approve the project; and adopt the resolution.

39. Second Reading Ordinances: (First Read May 6, 2008)

a. Termination and Release of Additional Guaranty, Airtechnics, Inc. (District II)

An ordinance of the city of Wichita, Kansas, authorizing execution and delivery of, and consenting to, a termination and release of guaranty by the Bank of New York trust company, N.A., St. Louis, Missouri, A National Banking Association, as trustee.

b. Ordinance Changes to the City of Wichita Plumbing Code. (Title 21.04)

An ordinance amending sections 21.04.020, 21.04.040 21.04.043, and 21.04.045, creating section 21.04.035 of the code of the city of Wichita, Kansas, pertaining to the plumbing and gas fitting code, and repealing the originals of Sections 21.04.020, 21.04.040 21.04.043, and 21.04.045, of the code of the city of Wichita.

c. Ordinance Amendments, Sections 3.49.040 and 3.49.130 regarding Emergency Wrecker Services.

An ordinance amending sections 3.49.040, and 3.49.130 of the code of the city of Wichita, Kansas, pertaining to wrecker services and repealing the originals of said sections.

d. Mt. Vernon Improvement, between the Arkansas River and Broadway. (District III)

An ordinance amending ordinance no. 47-510 of the city of Wichita, Kansas declaring Mt. Vernon, between Broadway and the Arkansas river (472-84289) to be a main trafficway within the city of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

(Item 39 continued)

- e. ZON2008-00009-City Zone Change from LC Limited Commercial ("LC") to GC General Commercial ("GC") subject to a Protective Overlay, generally located on the west side of Arkansas Avenue, 1/2 block south of 29th Street North. (District VI)

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

- f. SUB 2007-116-Plat of Lange Addition located on the east side of West Street and south of MacArthur Road. (District IV)

An ordinance changing the zoning classifications or districts of certain lands located in the city of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended.

- g. A08-04R-Request by Eugene Vitarelli, of Palladio Developers, Inc. to annex land generally located north of Pawnee Road, between 143rd Street East and 127th Street East. (District II)

An ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the city of Wichita, Kansas. (A08-04)

- h. 2008 Arterial Street and Bridge Design Contracts. (Districts II, IV, and V)

An ordinance declaring maize road, between Pawnee and Kellogg (472-84697) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

An ordinance declaring the Lincoln Bridge at Armour (472-84703) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

An ordinance declaring 37th St. north, between Tyler road and maize road (472-84693) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

RECOMMENDED ACTION: Adopt the Ordinances.

Adjournment

\*\*\*Workshop to follow\*\*\*

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Petition to pave parts of New Jersey Drive, Valley Forge Road and Brandywine Road (east of Oliver, north of 31<sup>st</sup> St. South) (District III)

**INITIATED BY:** Department of Public Works

**AGENDA:** Unfinished Business

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**Recommendation:** Approve the Petition.

**Background:** The signatures on the Petition represent 21 of 40 (53%) resident owners and 39% of the improvement district area. District III Advisory Board sponsored an April 2, 2008, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project. The City Council considered the Petition on May 6, 2008. Gary Hefley, owner of property at the northeast corner of Oliver and 31<sup>st</sup> St. South, stated that it was his intent to request that Brandywine be vacated adjacent to his property. The City Council deferred action on the Petition for one week so that the proposal could be considered. Public Works staff and Council Member Skelton met with Mr. Hefley and discussed his proposal. Since then, Mr. Hefley has decided not to pursue the vacation.

**Analysis:** The Petition can now be approved and a determination of the extent of the Brandywine paving can be made as part of the design process.

**Financial Considerations:** The estimated project cost is \$340,000 with \$293,700 assessed to the improvement district and \$46,300 paid by the City. The City share is for the cost of intersection construction with General Obligation bonds as the funding source. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.40 per square foot of ownership.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by providing street paving in an existing residential area.

**Legal Considerations:** State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

**Recommendation/Action:** It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

**Attachment:** Map, Assessment Roll, CIP Sheet, Petition and Resolution.

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON NEW JERSEY DRIVE FROM THE NORTHWEST CORNER OF LOT 4 OF THE WASHINGTON HEIGHTS REPLAT OF BLOCK I & J TO THE NORTHEAST CORNER OF LOT 12, BLOCK D OF WASHINGTON HEIGHTS ADDITION AND ON VALLEY FORGE ROAD FROM THE NORTHEAST CORNER OF LOT 7, BLOCK H OF WASHINGTON HEIGHTS ADDITION TO 31ST STREET SOUTH AND ON BRANDYWINE ROAD FROM SOUTHWEST CORNER OF LOT 18, BLOCK H OF WASHINGTON HEIGHTS ADDITION TO THE NORTHEAST CORNER OF LOT 16, BLOCK D OF WASHINGTON HEIGHTS ADDITION (EAST OF OLIVER, NORTH OF 31ST ST. SOUTH) 472-84718 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON NEW JERSEY DRIVE FROM THE NORTHWEST CORNER OF LOT 4 OF THE WASHINGTON HEIGHTS REPLAT OF BLOCK I & J TO THE NORTHEAST CORNER OF LOT 12, BLOCK D OF WASHINGTON HEIGHTS ADDITION AND ON VALLEY FORGE ROAD FROM THE NORTHEAST CORNER OF LOT 7, BLOCK H OF WASHINGTON HEIGHTS ADDITION TO 31ST STREET SOUTH AND ON BRANDYWINE ROAD FROM SOUTHWEST CORNER OF LOT 18, BLOCK H OF WASHINGTON HEIGHTS ADDITION TO THE NORTHEAST CORNER OF LOT 16, BLOCK D OF WASHINGTON HEIGHTS ADDITION (EAST OF OLIVER, NORTH OF 31ST ST. SOUTH) 472-84718 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on New Jersey Drive from the northwest corner of Lot 4 of the Washington Heights replat of Block I & J to the northeast corner of Lot 12, Block D of Washington Heights Addition and on Valley Forge Road from the northeast corner of Lot 7, Block H of Washington Heights Addition to 31st Street South and on Brandywine Road from southwest corner of Lot 18, Block H of Washington Heights Addition to the northeast corner of Lot 16, Block D of Washington Heights Addition (east of Oliver, north of 31st St. South) 472-84718.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **Three Hundred Forty Thousand Dollars (\$340,000)** exclusive of the cost of interest on borrowed money, with **86.4** percent payable by the improvement district and **13.6** percent payable by the City at Large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **June 1, 2007** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**WASHINGTON HEIGHTS ADDITION**

Lots 7 through 16 Inclusive, Block D

Lot 1, Block E

Lots 1 through 4 Inclusive, Block F

Lots 1 through 9 Inclusive, Block G

Lots 3 through 23 Inclusive, Block H

**WASHINGTON HEIGHTS SECOND ADDITION**

Lots 4 through 6 Inclusive, Block 1

**DODY COLE FIFTH ADDITION**

Lots 3 and 4

**WASHINGTON HEIGHTS-REPLAT BLKS I & J**

The west half of Lot 4, Block 1

**UNPLATTED TRACTS**

**In Section 1, Twp28S, R1E**

Beginning in the Southeast Corner Lot 16 Block D Washington Heights Northeasterly 145 Feet  
Northwesterly 150 Feet M-L to the Southeast Corner of Lot 12 Southwesterly To the Beginning  
Southwest 1/4

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall

be on a **square foot** basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Appeal of Denial of Manufactured Home Park Annual License Renewal  
Oakwood Manor Mobile Home Park, 5420 S. Broadway - Council District III

**INITIATED BY:** Office of Central Inspection

**AGENDA:** New Business

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**Recommendations:** Based on evidence and testimony presented during the appeal hearing, take appropriate action to sustain, reverse or modify the Office of Central Inspection's denial of the annual manufactured home park license for Oakwood Manor Mobile Home Park, 5420 S. Broadway.

**Background:** By letter dated February 28, 2008 (received in the Mayor's Office on March 3, 2008), the owner of Oakwood Manor Mobile Home Park, 5420 S. Broadway, is appealing the Office of Central Inspection (OCI) refusal to renew the Park's annual manufactured home park license. Oakwood Manor's most recent annual license expired on February 17, 2008; the annual license renewal was officially denied by OCI on February 20, 2008. An appeal of a denial or refusal to renew an annual park license is authorized by Section 26.04.038 of the City Code.

The appellant states that he has been working to correct code violations in the Park, and he requests additional time to complete required Park improvements. The appellant also states his intent to continue to cooperate with the City to achieve code compliance in the Park. Since license denial on February 20, 2008, OCI staff has met with the Park owner on several occasions (at the Park) to review additional compliance progress; progress is being made.

Wichita first adopted manufactured home park regulations in 1964. Since 1964, the City has required manufactured home parks to be licensed, and to be re-licensed on an annual basis. Manufactured home parks developed after adoption of the 1964 ordinance have been required to meet certain manufactured home park development standards, and to be located in a manufactured housing zoning district. Manufactured home parks that were developed prior to adoption of the 1964 ordinance have been allowed to renew their annual licenses and to operate as "legal non-conforming" or "non-standard" parks, without being required to meet current park design and/or zoning standards.

In July 2006, the City amended its Manufactured Home Park ordinance, adding additional park maintenance and licensing standards, as well as new provisions for denial and/or revocation of manufactured home park licenses. On February 20, 2008, OCI refused to renew the mobile home park license for Oakwood Manor Mobile Home Park based upon thirteen active Minimum Housing Code violation cases, one (1) active environmental premise violation case, and one (1) Unified Zoning Code violation case (driveway/circulation aisle conditions).

**Analysis:** Oakwood Manor Mobile Home Park was established in 1950. The approximate four acre property is zoned "LC" Limited Commercial, and has been operated as a legal non-conforming mobile home park since 1969 (upon annexation into Wichita). Initially, the Park was licensed for 50 spaces. Most recently, the Park was licensed for 36 spaces. As of April 22, 2008, there were 26 mobile homes in the park. Of these 26 mobile homes, 22 homes were occupied and four (4) were vacant. One (1) of the four (4) vacant mobile homes was being removed, and two (2) other vacant homes were being prepared for removal by the park owner (contingent on mobile home title transfer to the Park owner).

Pursuant to Section 26.04.036 of the Mobile Home and Mobile Home Park Regulations, violation notices regarding minimum housing, zoning and/or environmental code violations were sent by certified mail to the property owner on October 17, 2007, January 15, 2008, and February 20, 2008. The earlier notices also outlined the potential for denial of a license when the annual Park license expired on February 17, 2008. Section 26.04.035 of the City Code stipulates that an application for license renewal shall be denied by the Superintendent of Central Inspection for violations of the provisions of Chapter 26.

Regulations relating to conditions of mobile home parks stipulate that the Superintendent of Central Inspection, or his designee, and the Director of Environmental Health, or his/her designee, are authorized to inspect and approve the licensee's premises, and to ensure compliance with all the ordinances of the City of Wichita governing public health, safety, and welfare.

Based on the significant number of Minimum Housing Code cases and the environmental premise condition case still active in the Park as of February 18, 2008, Oakwood Manor Mobile Home Park's application for annual license renewal was denied by OCI on February 20, 2008, pursuant to Section 26.04.115 of the City Code.

#### **Code Enforcement Case Summary/Update:**

When the October 17, 2007 Notice of Violation was issued, there were twenty-three open minimum housing code cases in Oakwood Manor Mobile Home Park. The January 15, 2008 follow-up Notice of Violation added a Unified Zoning Code violation (driveway/circulation aisle conditions). When the annual license renewal was denied on February 20, 2008, thirteen minimum housing code violation cases were still open (ten housing cases were resolved between October 17, 2007 and February 20, 2008), and the zoning code case was still open; an environmental case, initiated on February 8, 2008, was also open.

As of April 22, 2008, four (4) of the thirteen housing code cases open on February 20, 2008 had been resolved, and two (2) recently vacated/abandoned mobile homes were being prepared for removal by the park owner. In addition, required home repairs were nearly complete on two (2) other mobile home housing code cases. Some repair work had been completed on each of the other five (5) mobile home housing code cases. As of April 22, 2008, the zoning code case (driveway/circulation aisle conditions) had been resolved, and the environmental premise case was in substantial compliance (most remaining debris was construction material from on-going mobile home repair).

The Notice of Violation compliance dates for all but one (1) of the active minimum housing code cases, and for the open environmental case, expired during March and April 2008; one (1) of the active housing code violation notice compliance date expires on May 14, 2008. Minimum housing code violation notices have been issued to both the Park owner and the owners of individually-owned mobile homes.

**Goal Impact:** On January 24, 2006 the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

**Legal Considerations:** The license applicant was properly notified by the Superintendent of Central Inspection of the code violations and denial of the license renewal. The applicant has timely filed an appeal of the license denial. The basis for the appeal is a request for additional time to bring the Park into compliance. The City Council may sustain, reverse or modify OCI's denial of the annual license.

**Recommendations/Actions:** Based on evidence and testimony presented during the appeal hearing and take appropriate action. The City Council can:

- sustain the action to deny renewal of the license;
- reverse the action to deny renewal of the license;
- modify the OCI denial of the manufactured home park license; or
- defer Council action to provide appellant additional time to correct remaining code violations.



**Attachments:** Appeal request letter from Russell L. Mills; Council appeal hearing notice from Superintendent of Central Inspection to Russell L. Mills; Notice to Russell L. Mills of revised Council hearing date; copy of 10/17/07 Notice of Violation; copy of 1/15/08 Notice of Violation; copy of 2/20/08 Notice of Violation and license denial/refusal.

**RUSSELL L. MILLS**

*Attorney at Law*

111 North Baltimore  
Derby, Kansas 67037  
(316) 789-9956 – Fax (316) 788-7437  
millslaw2003@yahoo.com

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February 28, 2008

**MAYOR'S OFFICE  
RECEIVED**

MAR 03 2008

City of Wichita  
Attn: City Council  
455 N. Main  
Wichita, KS 67207-1667

*"All Council Members Received"*

**RE: 5420 S. Broadway  
Case #COM 2007-05060  
Mobile Home/Manufacture Housing Park**

Dear Sirs and/or Madams:

Please accept this letter as our appeal to the City of Wichita City Council for the refusal to renew a Mobile Home/Manufactured Home Park License. I will be helping my father with the appeal process.

As you know, the property in question is owned by H. D. Mills. The mobile homes (14 Housing Violations) are owned by separate individuals. As such, it has been rather difficult to get some of the tenants to bring their structures into compliance. All tenants have been given a letter addressing the seriousness of this matter. We have also given out numerous eviction notices to the tenants cited.

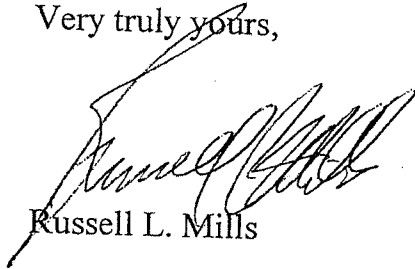
It is our intent to cooperate with the City of Wichita. We are confident that the inspectors can verify our willingness to cooperate, as well as, verify the improvements the tenants have made to date.

Many of these people are poor and have difficulty paying their utility bills. Capital

*City of Wichita*  
*Attn: City Council*  
*February 28, 2008*  
*Page 2*

improvements are very low on their priority level. Thank you, City Council for your cooperation.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Russell L. Mills", is written over the typed name. The signature is stylized with a large, sweeping initial 'R'.

Russell L. Mills

RLM/hm



March 21, 2008

**Sent Via Regular and Certified Mail**

Mr. Russell L. Mills  
Attorney at Law  
111 N. Baltimore  
Derby, Kansas 67037

**RE: 5/6/08 Wichita City Council Hearing  
Appeal of Denial of Manufactured Home Park License Renewal  
Oakwood Manor Mobile Home Park, 5420 S. Broadway**

Dear Mr. Mills:

This is a follow-up to our recent phone conversation regarding your appeal to the Wichita City Council of the Office of Central Inspection's denial of the Oakwood Manor Mobile Home Park annual manufactured home park license. Per our discussion, you are scheduled for hearings in Sedgwick County District Court on the mornings of April 1, April 8 and April 15 (potential City Council hearing dates in April); however, you can be available for the May 6, 2008 City Council meeting. You have agreed to the May 6, 2008 City Council hearing date.

The appeal hearing will be conducted during the City Council's regular meeting on May 6, 2008 on the "New Business" portion of the agenda. The City Council meets on the first floor of City Hall, 455 N. Main Street, Wichita, Kansas, in the City Council Chambers. The City Council meeting is scheduled to begin at 9:00 a.m. on May 6, 2008. The final agenda should be available to the public on Friday, May 2, 2008. I will also send you a copy of the information provided to the City Council the week before the May 6, 2008 Council meeting.

Per our phone conversation, the Park owner or his representative will contact us within the next week or so to schedule a meeting. Minimum code issues, general maintenance issues and plans for Park improvements will be reviewed during the meeting. Please don't hesitate to contact me at 268-4460 if you have any questions.

Sincerely,

Kurt A. Schroeder  
Superintendent of Central Inspection

CC: Sharon Dickgrafe  
Randy Sparkman  
Tina Henry  
Dale Johnson

***Attachment: Appeal Request Letter from Russell L. Mills***

**Office of Central Inspection**

City Hall • 7th Floor • 455 N. Main • Wichita, Kansas 67202-1600

**T 316.268.4460 • F 316.268.4663**



April 28, 2008

**Sent Via Regular and Certified Mail**

Mr. Russell L. Mills  
Attorney at Law  
111 N. Baltimore  
Derby, Kansas 67037

**RE: REVISED Wichita City Council Hearing Date  
Appeal of Denial of Manufactured Home Park License Renewal  
Oakwood Manor Mobile Home Park, 5420 S. Broadway**

Dear Mr. Mills:

This is a follow-up to our phone conversation this morning regarding the revised hearing date for your appeal to the Wichita City Council of the Office of Central Inspection's denial of the Oakwood Manor Mobile Home Park annual manufactured home park license. The appeal hearing date has been rescheduled from Tuesday, May 6, 2008 to Tuesday, May 13, 2008.

The appeal hearing will be conducted during the City Council's regular meeting on May 13, 2008 on the "New Business" portion of the agenda. The City Council meets on the first floor of City Hall, 455 N. Main Street, Wichita, Kansas, in the City Council Chambers. The City Council meeting is scheduled to begin at 9:00 a.m. on May 13, 2008. The final agenda should be available to the public on Friday, May 9, 2008. I will also send you a copy of the information provided to the City Council the week before the May 13, 2008 Council meeting.

Please don't hesitate to contact me at 268-4460 if you have any questions.

Sincerely,

Kurt A. Schroeder  
Superintendent of Central Inspection

CC: Sharon Dickgrafe  
Randy Sparkman  
Tina Henry  
Dale Johnson

**Office of Central Inspection**

City Hall • 7th Floor • 455 N. Main • Wichita, Kansas 67202-1600

**T 316.268.4460 • F 316.268.4663**

my copy  
**OFFICE OF CENTRAL INSPECTION**  
455 N. Main Street, City Hall, Wichita, Kansas 67202  
Telephone: (316) 268-4481 Fax: (316) 268-4663

**Commercial Zoning**

**Code**

**CASE #: COM2007-05060**

**Date: 2/20/2008**

**NOTICE OF VIOLATION**

**Case Location:** 5420 S BROADWAY

Primary Name: HAROLD MILLS  
Primary Address: 511 JANET

CLEARWATER KS 67026

---

**Needed improvements and/or corrections to property are listed below:**

**CHAPTER 26.04 MH PARK REG**

REVISED 02-20-08 (First official notification sent 10-17-07; first revision sent 01-15-08)

Chapter 26.04 Mobile Homes and Mobile Home Park Regulations:

Section 26.04.035 - License- Refusal to issue or renew

Section 26.04.036 - Service of notice of violations

Section 26.04.115 - Enforcement and Inspection

Section 26.04.038 - Appeal from refusal to issue or renew (Ord. No. 47-050, adopted June 20, 2006)

OFFICIAL NOTIFICATION OF REFUSAL TO RENEW A MOBILE HOME/MANUFACTURED HOME PARK LICENSE FOR PARCEL ZONED "LC" LIMITED COMMERCIAL /NON-CONFORMING - 36 spaces.

A written appeal filed with the City Council can be made by the applicant/licensee within ten business days after the date of the refusal to renew a license.

Refusal to renew Mobile Home/Manufactured Home Park License based on,  
to date (02-20-08):

Fourteen (14) active Housing violation cases;

One (1) Environmental violation case;

Two (2) Zoning violation cases (including this "Official notification" case); see enclosed copies of Notice of Violation cases with conditions/corrections required for each case/lot.

Correct required conditions on ALL active violation cases. Once all corrections/case closures have been made, the Office of Central Inspection - Commercial Zoning, will review possible license renewal.

Questions regarding specific Housing or Environmental violation cases - please contact Neighborhood Inspection @ 268-4481. Questions regarding Zoning violation cases or other questions, please contact either Tina Henry, Commercial Zoning Inspector and/or Randy Sparkman, Commercial Zoning and Signs Supervisor @ 268-4479.

*Tina Henry*  
**Staff ID:** Tina Henry

**Next Compliance Date:** 3/20/2008

**Certified Mail No:** 7005 0390 0001

6436 1447



**CITY OF  
WICHITA**

# Conditions Associated With

Case #: COM2000-03820

#1

10/12/2007  
3:19:47PM

| Condition Code | Title  | Hold | Status  | Changed | By  | Tag | Updated Date | By  |
|----------------|--|------|---------|---------|-----|-----|--------------|-----|
| H200           | ELECTRICAL: 20.04.040  | HwO  | Met     |         |     |     | 3/18/2005    | LDF |
|                | * Supply electricity in a safe, approved manner. ***remove extension cord  |      |         |         |     |     |              |     |
| H402           | EXTERIOR: 20.04.050/20.04.055  | HwO  | NOT MET |         |     |     | 12/29/2004   | LDF |
|                | * Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.***   |      |         |         |     |     |              |     |
| H403           | EXTERIOR: 20.04.050/20.04.055  | HwO  | NOT MET |         |     |     | 10/30/2000   | RDJ |
|                | * Repair or replace siding to be in sound condition and good repair, and substantially weathertight and watertight.***<br>Repair or replace skirting as needed.  |      |         |         |     |     |              |     |
| H406           | EXTERIOR: 20.04.050/20.04.055  | HwO  | NOT MET |         |     |     | 10/30/2000   | RDJ |
|                | * Repair or replace windows and/or doors to be weathertight, and in sound condition and good repair.***  |      |         |         |     |     |              |     |
| H407           | EXTERIOR: 20.04.040  | HwO  | NOT MET |         |     |     | 10/30/2000   | RDJ |
|                | * Install or repair screens on all exterior doors and windows which are adequate to exclude insects.***  |      |         |         |     |     |              |     |
| H501           | PREMISE: 20.04.070   | HwO  | Met     |         | LDF |     | 7/28/2005    | LDF |
|                | * Maintain premises in clean and sanitary condition. Remove all junk, trash, debris, tall grass and weeds.***  |      |         |         |     |     |              |     |
| H702           | PLACARDING: 20.04.110  | HwO  | Met     |         |     |     | 3/18/2005    | LDF |
|                | This structure has been placarded and, IF VACANT, shall remain unoccupied until all violations are corrected, and correction work is approved on re-inspection. Such placard may only be removed by the Superintendent of Central Inspection or his authorized representative. |      |         |         |     |     |              |     |



# Conditions Associated With

Case #: COM2005-00072

#2

10/12/2007

4:18:17PM

| Condition Code | Title   | Hold | Status  | Status  |    |     | Updated  |     |
|----------------|---|------|---------|---------|----|-----|----------|-----|
|                |   |      |         | Changed | By | Tag | Date     | By  |
| H405           | EXTERIOR: 20.04.050/20.04.055   | HwO  | NOT MET |         |    |     | 1/7/2005 | LDF |
|                | * Paint or surface-coat all exterior wood or wood trim to prevent deterioration.***   |      |         |         |    |     |          |     |
| H406           | EXTERIOR: 20.04.050/20.04.055   | HwO  | NOT MET |         |    |     | 1/7/2005 | LDF |
|                | * Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.*** |      |         |         |    |     |          |     |





closed 02-25-08  
Conditions Associated With

Case #: COM2005-02756 #3

10/12/2007

4:11:33PM

| Condition<br>Code | Title   | Hold | Status  | Status  |    |  | Tag | Updated   |     |
|-------------------|---|------|---------|---------|----|--|-----|-----------|-----|
|                   |   |      |         | Changed | By |  |     | Date      | By  |
| H204              | ELECTRICAL:<br>repair rear porch light  | HwO  | NOT MET |         |    |  |     | 7/28/2005 | LDF |
| H406              | EXTERIOR: Windows/Doors<br>* 20.04.050/20.04.055 - Repair or replace windows and/or doors to be weathertight, in sound condition and good repair,<br>and free of cracks and holes.*** | HwO  | NOT MET |         |    |  |     | 7/28/2005 | LDF |
| H502              | PREMISE: Fences<br>* 20.04.050/20.04.055 - Maintain fence in sound condition or remove.***  | HwO  | NOT MET |         |    |  |     | 7/28/2005 | LDF |

## Conditions Associated With

Case #: COM2005-00074

#6

10/12/2007

3:58:49PM

| Condition Code | Title   | Hold | Status  | Changed | By | Tag | Updated Date | By  |
|----------------|---|------|---------|---------|----|-----|--------------|-----|
| H201           | ELECTRICAL: 20.04.040   | HwO  | Met     |         |    |     | 5/24/2005    | LDF |
|                | * Repair or replace defective or missing fixtures and outlets. ***porch light   |      |         |         |    |     |              |     |
| H400           | EXTERIOR: 20.04.050/20.04.055   | HwO  | NOT MET |         |    |     | 1/7/2005     | LDF |
|                | properly installed and maintained mobile home skirting required   |      |         |         |    |     |              |     |
| H402           | EXTERIOR: 20.04.050/20.04.055   | HwO  | NOT MET |         |    |     | 1/7/2005     | LDF |
|                | * Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads. *** |      |         |         |    |     |              |     |
| H406           | EXTERIOR: 20.04.050/20.04.055   | HwO  | Met     |         |    |     | 5/24/2005    | LDF |
|                | * Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes. ***  |      |         |         |    |     |              |     |



closed 3-12-08  
**Conditions Associated With**  
**Case #: COM2005-00090**

#7

10/12/2007  
3:47:33PM

| Condition Code | Title  | Hold | Status  | Status  |    | Tag | Updated   |     |
|----------------|--|------|---------|---------|----|-----|-----------|-----|
|                |  |      |         | Changed | By |     | Date      | By  |
| H400           | EXTERIOR: 20.04.050/20.04.055<br>approved mobliehome skirting installed and maintained   | HwO  | Met     |         |    |     | 5/24/2005 | LDF |
| H406           | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.*** | HwO  | Met     |         |    |     | 5/24/2005 | LDF |
| H411           | EXTERIOR: WATER TANK DOOR<br>paint, repair or replace  | HwO  | Met     |         |    |     | 3/18/2005 | LDF |
| H502           | PREMISE: 20.04.050/070<br>* Maintain fence in sound condition or remove.***  | HwO  | Met     |         |    |     | 3/18/2005 | LDF |
| H502           | PREMISE: Fences<br>* 20.04.050/20.04.055 - Maintain fence in sound condition or remove.***   | HwO  | NOT MET |         |    |     | 7/28/2005 | LDF |

#8

| Condition Code | Title   | Hold | Status  | Status  |     | Tag | Updated   |     |
|----------------|---|------|---------|---------|-----|-----|-----------|-----|
|                |   |      |         | Changed | By  |     | Date      | By  |
| H400           | EXTERIOR: 20.04.050/20.04.055<br>approved mobile home skirting required in good repair (close up all gaps in skirting)  | HwO  | NOT MET |         |     |     | 5/24/2005 | LDF |
| H402           | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.*** | HwO  | Met     |         |     |     | 5/24/2005 | LDF |
| H404           | EXTERIOR: Siding Shingles<br>* 20.04.050/20.04.055 - Replace cracked, broken or missing siding shingles.***<br>replace siding around newly installed window   | HwO  | Met     |         | LDF |     | 7/28/2005 | LDF |
| H405           | EXTERIOR: Paint<br>* 20.04.050/20.04.055 - Paint or surface-coat all exterior wood or wood trim to prevent deterioration.***  | HwO  | NOT MET |         |     |     | 3/12/2008 | DJ  |
| H406           | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***  | HwO  | Met     |         |     |     | 5/24/2005 | LDF |
| H406           | EXTERIOR: Windows/Doors<br>* 20.04.050/20.04.055 - Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***                          | HwO  | NOT MET |         |     |     | 3/12/2008 | DJ  |
| H415           | EXTERIOR: Soffits/Fascia<br>* 20.04.050/20.04.055 - Repair or replace soffits, fascia and/or exterior trim so as to be substantially free of deterioration and rot.***                                      | None | NOT MET |         |     |     | 3/12/2008 | DJ  |
| H600           | ACCESSORY STRUCTURES: Garage/Shed<br>* 20.04.050/20.04.070 - Repair and paint shed(s) or remove.***   | HwO  | NOT MET |         |     |     | 3/12/2008 | DJ  |
| H601           | ACCESSORY STRUCTURES:20.04.050/70<br>* Remove dilapidated garage and/or shed(s).***   | HwO  | Met     |         |     |     | 1/11/2005 | LDF |
| Z016           | MOBILE HOME:Section 26.04.217<br>Mobile Home blocking improperly installed. level,block and tie down  | HwO  | Met     |         |     |     | 3/18/2005 | LDF |

# Conditions Associated With

Case #: COM2005-00097

# 14

3/14/2008  
11:13:35AM

| Condition Code | Title  | Hold | Status  | Status  |     | Tag | Updated   |     |
|----------------|--|------|---------|---------|-----|-----|-----------|-----|
|                |  |      |         | Changed | By  |     | Date      | By  |
| H400           | EXTERIOR: Tuckpoint Foundation   | HwO  | NOT MET |         |     |     | 7/28/2005 | LDF |
|                | * 20.04.050/20.04.055 - Tuck-point or repair foundation and close any foundation openings.***properly install and maintain mobile home skirting  |      |         |         |     |     |           |     |
| H402           | EXTERIOR: 20.04.050/20.04.055  | HwO  | Met     |         | LDF |     | 7/28/2005 | LDF |
|                | * Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.***                       |      |         |         |     |     |           |     |
| H402           | EXTERIOR: Porches/Steps  | HwO  | NOT MET |         |     |     | 3/13/2008 | DJ  |
|                | * 20.04.050/20.04.055 - Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.*** |      |         |         |     |     |           |     |
| H403           | EXTERIOR: Siding   | HwO  | NOT MET |         |     |     | 3/13/2008 | DJ  |
|                | * 20.04.050/20.04.055 - Repair or replace siding to be in sound condition and good repair, and substantially weathertight and watertight.***   |      |         |         |     |     |           |     |
| H406           | EXTERIOR: Windows/Doors  | HwO  | NOT MET |         |     |     | 3/13/2008 | DJ  |
|                | * 20.04.050/20.04.055 - Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***  |      |         |         |     |     |           |     |

## Conditions Associated With

Case #: COM2005-00098

#15

10/12/2007  
4:23:56PM

| Condition Code | Title  | Hold | Status  | Status  |     | Tag | Updated   |     |
|----------------|--|------|---------|---------|-----|-----|-----------|-----|
|                |  |      |         | Changed | By  |     | Date      | By  |
| H400           | EXTERIOR: 20.04.050/20.04.055<br>approved properly installed mobilehome skirting required  | HwO  | Met     |         | LDF |     | 7/7/2005  | LDF |
| H402           | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.***  | HwO  | Met     |         | LDF |     | 7/28/2005 | LDF |
| H406           | EXTERIOR: Windows/Doors<br>* 20.04.050/20.04.055 - Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***<br>replace front door it is damaged beyond reasonable expectation of repair | HwO  | NOT MET |         |     |     | 7/28/2005 | LDF |
| H407           | EXTERIOR: Screens<br>* 20.04.040 - Install or repair screens, adequate to exclude insects, on all exterior doors and windows which are used for ventilation.***  | HwO  | NOT MET |         |     |     | 7/28/2005 | LDF |
| H415           | EXTERIOR: 20.04.050/055<br>*Repair or replace soffits, fascia and/or exterior trim so as to be substantially free of deterioration and rot.***   | None | NOT MET |         |     |     | 7/28/2005 | LDF |

# Conditions Associated With

Case #: COM2005-00099

3/14/2008  
11:15:30AM

| Condition Code | Title   | Hold | Status  | Status    |     | Tag | Updated   |     |
|----------------|---|------|---------|-----------|-----|-----|-----------|-----|
|                |   |      |         | Changed   | By  |     | Date      | By  |
| H400           | EXTERIOR: 20.04.050/20.04.055<br>properly installed and maintain approved mobilehome skirting   | HwO  | NOT MET |           |     |     | 7/28/2005 | LDF |
| H402           | EXTERIOR: Porches/Steps<br>* 20.04.050/20.04.055 - Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.*** | HwO  | Met     |           | LDF |     | 7/28/2005 | LDF |
| H402           | EXTERIOR: Porches/Steps<br>* 20.04.050/20.04.055 - Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.*** | HwO  | NOT MET |           |     |     | 3/13/2008 | DJ  |
| H405           | EXTERIOR: 20.04.050/20.04.055<br>* Paint or surface-coat all exterior wood or wood trim to prevent deterioration.***  | HwO  | NOT MET |           |     |     | 1/11/2005 | LDF |
| H411           | EXTERIOR:<br>properly place ac unit   | HwO  | Met     | 3/11/2008 | DJ  |     | 3/13/2008 | DJ  |
| H411           | EXTERIOR: Miscellaneous<br>Repair storm doors as needed or replace.   | HwO  | NOT MET |           |     |     | 3/13/2008 | DJ  |
| H600           | ACCESSORY STRUCTURES: Garage/Shed<br>* 20.04.050/20.04.070 - Repair and paint garage and/or shed(s).***   | HwO  | NOT MET |           |     |     | 3/13/2008 | DJ  |
| Z016           | MOBILE HOME:Section 26.04.217<br>Mobile Home blocking improperly installed. properly block tiedown and level  | HwO  | Met     |           | LDF |     | 7/28/2005 | LDF |



# Conditions Associated With

Case #: COM2005-00104

#22

3/14/2008  
11:16:55AM

| Condition<br>Code | Title   | Hold | Status  |         |    | Updated |           |     |
|-------------------|---|------|---------|---------|----|---------|-----------|-----|
|                   |   |      | Status  | Changed | By | Tag     | Date      | By  |
| H405              | EXTERIOR: 20.04.050/20.04.055   | HwO  | NOT MET |         |    |         | 1/11/2005 | LDF |
|                   | * Paint or surface-coat all exterior wood or wood trim to prevent deterioration.***   |      |         |         |    |         |           |     |
| H406              | EXTERIOR: 20.04.050/20.04.055   | HwO  | NOT MET |         |    |         | 1/11/2005 | LDF |
|                   | * Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.*** |      |         |         |    |         |           |     |
| H411              | EXTERIOR: Miscellaneous   | HwO  | NOT MET |         |    |         | 3/13/2008 | DJ  |
|                   | Repair & secure skirting as needed.   |      |         |         |    |         |           |     |





Conditions Associated With  
Case #: COM2005-00106

3/14/2008  
11:18:29AM

# 23

| Condition<br>Code | Title   | Hold | Status  | Status   |    | Tag | Updated   |     |
|-------------------|---|------|---------|----------|----|-----|-----------|-----|
|                   |   |      |         | Changed  | By |     | Date      | By  |
| H400              | EXTERIOR: 20.04.050/20.04.055<br>properly installed and maintained mobile home skirting required  | HwO  | NOT MET |          |    |     | 1/11/2005 | LDF |
| H402              | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.*** | HwO  | Met     | 2/5/2008 | DJ |     | 2/7/2008  | DJ  |
| H403              | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace siding to be in sound condition and good repair, and substantially weathertight and watertight.***   | HwO  | NOT MET |          |    |     | 1/11/2005 | LDF |
| H405              | EXTERIOR: 20.04.050/20.04.055<br>* Paint or surface-coat all exterior wood or wood trim to prevent deterioration.***  | HwO  | NOT MET |          |    |     | 1/11/2005 | LDF |
| H406              | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***  | HwO  | NOT MET |          |    |     | 1/11/2005 | LDF |



# Conditions Associated With

Case #: COM2005-00093

# 25

10/12/2007

4:14:05PM

| Condition Code | Title  | Hold | Status  | Status  |    | Tag | Updated   |     |
|----------------|--|------|---------|---------|----|-----|-----------|-----|
|                |  |      |         | Changed | By |     | Date      | By  |
| H400           | EXTERIOR: 20.04.050/20.04.055  | HwO  | NOT MET |         |    |     | 3/18/2005 | LDF |
|                | * Tuck-point or repair foundation and close any foundation openings.***  |      |         |         |    |     |           |     |
| H402           | EXTERIOR: 20.04.050/20.04.055  | HwO  | NOT MET |         |    |     | 3/18/2005 | LDF |
|                | * Repair or replace porch/es and/or steps so as to be in structurally sound condition, free of deterioration, safe to use, and capable of supporting all imposed loads.*** |      |         |         |    |     |           |     |
| H403           | EXTERIOR: 20.04.050/20.04.055  | HwO  | Met     |         |    |     | 3/18/2005 | LDF |
|                | * Repair or replace siding to be in sound condition and good repair, and substantially weathertight and watertight.***   |      |         |         |    |     |           |     |
| H406           | EXTERIOR: 20.04.050/20.04.055  | HwO  | Met     |         |    |     | 3/18/2005 | LDF |
|                | * Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***  |      |         |         |    |     |           |     |



close d 02-25-08  
Conditions Associated With  
Case #: COM2005-00095 #32

10/12/2007  
4:04:00PM

| Condition<br>Code | Title  | Hold | Status  | Status  |    | Tag | Updated   |     |
|-------------------|--|------|---------|---------|----|-----|-----------|-----|
|                   |  |      |         | Changed | By |     | Date      | By  |
| H400              | EXTERIOR: 20.04.050/20.04.055<br>properly installed and maintained mobile home skirting required   | HwO  | NOT MET |         |    |     | 1/11/2005 | LDF |
| H406              | EXTERIOR: 20.04.050/20.04.055<br>* Repair or replace windows and/or doors to be weathertight, in sound condition and good repair, and free of cracks and holes.***                             | HwO  | NOT MET |         |    |     | 1/11/2005 | LDF |
| H415              | EXTERIOR: 20.04.050/055<br>*Repair or replace soffits, fascia and/or exterior trim so as to be substantially free of deterioration and rot.*** water tank door and trim around window ac units | None | NOT MET |         |    |     | 1/11/2005 | LDF |



Conditions Associated With  
Case #: EVM2008-00441

2/19/2008  
2:09:48PM

| Condition<br>Code   | Title                   | Hold | Status  | Status  |    | Tag | Updated  |    |
|---|-------------------------|------|---------|---------|----|-----|----------|----|
|   |                         |      |         | Changed | By |     | Date     | By |
| 006   | Residential Bulky Waste | None | NOT MET |         |    |     | 2/8/2008 | DJ |
| 7.08.040 - All misc residential bulky waste is to be removed from the property or stored in a fully enclosed structure.<br>This includes items stored outside such as: indoor furniture, appliances, misc junk, tires, salvage material, and building materials. This would include TV's, A/C, tires & door frames. |                         |      |         |         |    |     |          |    |

| Condition<br>Code | Title        | Hold | Status  | Status  |    | Tag | Updated   |     |
|-------------------|--------------|------|---------|---------|----|-----|-----------|-----|
|                   |              |      |         | Changed | By |     | Date      | By  |
| Z017              | UZC IV. F. 1 | HwO  | NOT MET |         |    |     | 1/15/2008 | TMC |

Failure to maintain circulation drive on parcel zoned "LC" Limited Commercial / Non-conforming Mobile Home Park.

Numerous potholes throughout the dirt/rock circulation drive. Some potholes along drive are ~6"+ deep.

Repair circulation drive where needed.

(NOTE: As previously stated in case # COM2007-05060 "Official Notification", Oakwood Mobile Home Park license is due to expire on 02-17-08. Upon that date, the Office of Central Inspection (OCI) will not renew/approve said Mobile Home Park License unless ALL active violation cases (Housing, Environmental, Zoning, etc) have been corrected. If the Mobile Home Park license renewal is refused, a written appeal filed with the City Council can be made by the applicant/licensee within ten business days after the date of the refusal to renew a license.

To date (01-15-08), OCI's records indicate there are 23 active Housing violation cases and 2 active Zoning violation cases (Com2007-05060 - "Official notification" and present case COM2008-00217).

**OFFICE OF CENTRAL INSPECTION**

**455 N. Main Street, City Hall, Wichita, Kansas 67202**

**Telephone: (316) 268-4481 Fax: (316) 268-4663**

**Commercial Zoning**

**Code**

**CASE #: COM2007-05060**

**Date: 1/15/2008**

**NOTICE OF VIOLATION**

**Case Location:** 5420 S BROADWAY

Primary Name: HAROLD MILLS  
Primary Address: 511 JANET

CLEARWATER KS 67026

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**Needed improvements and/or corrections to property are listed below:**

**CHAPTER 26.04 MH PARK REG**

REVISED 01-15-08 (First official notification sent 10-17-07)

Chapter 26.04 Mobile Homes and Mobile Home Park Regulations:

Section 26.04.035 - License- Refusal to issue or renew

Section 26.04.036 - Service of notice of violations

Section 26.04.115 - Enforcement and Inspection (Ord. No. 47-050, adopted June 20, 2006)

Section 26.04.038 - Appeal from refusal to issue or renew

Official notification that the Mobile Home Park License for "Oakwood Mobile Home Park" is due to expire on 02-17-08. Upon that date, the Office of Central Inspection (OCI) will not renew/approve said Mobile Home Park License unless ALL active violation cases (Housing, Environmental, Zoning, etc) have been corrected.

If the Mobile Home Park license renewal is refused, a written appeal filed with the City Council can be made by the applicant/licensee within ten business days after the date of the refusal to renew a license.

To date (01-15-08), OCI's records indicate there are 23 active Housing violation cases and 2 active Zoning violation cases (Com2007-05060 - "Official notification" and COM2008-00217 "Failure to maintain circulation drive").

Questions regarding specific Housing violation cases - please contact Neighborhood Inspection @ 268-4481. Other questions, please contact either Tina Henry, Commercial Zoning Inspector and/or Randy Sparkman, Commercial Zoning and Signs Supervisor @ 268-4479.

You are hereby notified that you will have until **2/17/2008** to correct or resolve the above-identified violations of the Commercial Zoning code.

If you do not take action to correct the above violations by **2/17/2008**, a ticket of Uniform Criminal Complaint may be filed against you.

Please contact our office at 268-4481 should you have any questions or concerns.  
or comments

**Staff ID:** Tina Henry

**Next Compliance Date:** 2/17/2008

**Certified Mail No:** 7005 0390 0001

6436 1331



**CITY OF  
WICHITA**  
38

CUSTOMER / OCI

**OFFICE OF CENTRAL INSPECTION**  
455 N. Main Street, City Hall, Wichita, Kansas 67202  
Telephone: (316) 268-4481 Fax: (316) 268-4663

**Commercial Zoning**

**Code**

CASE #: COM2008-00217

Date: 1/15/2008

**NOTICE OF VIOLATION**

**Case Location:** 5420 S BROADWAY

Primary Name: HAROLD MILLS  
Primary Address: 511 JANET

CLEARWATER KS 67026

*close case - potholes only  
03-11-08*

**Needed improvements and/or corrections to property are listed below:**

**UZY IV. F. 1**

Failure to maintain circulation drive on parcel zoned "LC" Limited Commercial / Non-conforming Mobile Home Park.

Numerous potholes throughout the dirt/rock circulation drive. Some potholes along drive are ~6"+ deep.

Repair circulation drive where needed.

(NOTE: As previously stated in case # COM2007-05060 "Official Notification", Oakwood Mobile Home Park license is due to expire on 02-17-08. Upon that date, the Office of Central Inspection (OCI) will not renew/approve said Mobile Home Park License unless ALL active violation cases (Housing, Environmental, Zoning, etc) have been corrected. If the Mobile Home Park license renewal is refused, a written appeal filed with the City Council can be made by the applicant/licensee within ten business days after the date of the refusal to renew a license. To date (01-15-08), OCI's records indicate there are 23 active Housing violation cases and 2 active Zoning violation cases (Com2007-05060 - "Official notification" and present case COM2008-00217).

You are hereby notified that you will have until 2/17/2008 to correct or resolve the above-identified violations of the Commercial Zoning code.

If you do not take action to correct the above violations by 2/17/2008, a ticket of Uniform Criminal Complaint may be filed against you.

Please contact our office at 268-4481 should you have any questions or concerns. or comments

Staff ID: Tina Henry

Certified Mail No: 7005 0390 0001

6436 1331



CITY OF  
WICHITA  
39

Next Compliance Date: 2/17/2008

CUSTOMER / OCI

**OFFICE OF CENTRAL INSPECTION**

455 N. Main Street, City Hall, Wichita, Kansas 67202

Telephone: (316) 268-4481 Fax: (316) 268-4663

**Commercial Zoning**

**Code**

**CASE #: COM2007-05060**

**Date: 10/17/2007**

**NOTICE OF VIOLATION**

**Case Location:** 5420 S BROADWAY

Primary Name: HAROLD MILLS  
Primary Address: 511 JANET

CLEARWATER KS 67026

**Needed improvements and/or corrections to property are listed below:**

**CHAPTER 26.04 MH PARK REG**

Chapter 26.04 Mobile Homes and Mobile Home Park Regulations:

Section 26.04.035 - License- Refusal to issue or renew

Section 26.04.036 - Service of notice of violations

Section 26.04.115 - Enforcement and Inspection (Ord. No. 47-050, adopted June 20, 2006)

Official notification that the Mobile Home Park License for "Oakwood Mobile Home Park" is due to expire on 02-17-08. Upon that date, the Office of Central Inspection (OCI) will not renew/approve said Mobile Home Park License unless ALL active Housing and/or Environmental violation cases have been corrected.

To date (10-17-07), OCI's records indicate there are 23 active Housing violation cases at 5420 S Broadway. Please see attached case numbers with corresponding violations and conditions for corrections required.

Questions regarding specific Housing violation cases - please contact Neighborhood Inspection @ 268-4481. Other questions, please contact either Tina Henry, Commercial Zoning Inspector and/or Randy Sparkman, Commercial Zoning and Signs Supervisor @ 268-4479.

You are hereby notified that you will have until 2/17/2008 to correct or resolve the above-identified violations of the **Commercial Zoning** code.

If you do not take action to correct the above violations by 2/17/2008, a ticket of Uniform Criminal Complaint may be filed against you.

Please contact our office at 268-4481 should you have any questions or concerns.  
or comments

**Staff ID:** Tina Henry

**Next Compliance Date:** 2/17/2008

**Certified Mail No:**

7005 0390 0001

6436 1027



**CITY OF  
WICHITA**



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**RESOLUTION NO. \_\_\_\_**

**OF THE**

**CITY OF WICHITA, KANSAS**

relating to:

\$340,000,000  
City of Wichita, Kansas  
Industrial Revenue Bonds  
(The Boeing Company Project)  
Series XVI, 1997

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY OF WICHITA, KANSAS, APPROVING AND  
AUTHORIZING THE EXECUTION AND DELIVERY OF A TERMINATION  
OF LEASE, AND OTHER APPROPRIATE INSTRUMENTS.**

WHEREAS, the City of Wichita, Kansas (the “Issuer”), a municipal corporation existing under the laws of the State of Kansas, is authorized by K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, construct, improve, install, equip and furnish certain facilities (as defined in the Act) for industrial purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities and to issue revenue bonds for the purpose of paying the cost of any such facilities; and

WHEREAS, pursuant to the Act, the Issuer issued in 1997 its Industrial Revenue Bonds, (The Boeing Company Project) Series XVI, 1997, which issue of Industrial Revenue Bonds is listed on Schedule I hereto (the “Bonds”), for the purpose of financing the costs of acquisition, construction, equipping and furnishing of certain industrial facilities (the “Project”) on behalf of The Boeing Company (the “Corporation”), a Delaware corporation; and

WHEREAS, in connection with the issuance of the Bonds, the Issuer has leased the Project to the Corporation pursuant to that certain Lease Agreement listed on Schedule II hereto (the “Lease”), by and between Issuer and the Corporation; and

WHEREAS, Article 11 of the Lease provides that the Corporation agrees to purchase, and the Issuer agrees to sell, the related Project for \$1,000.00, and any and all sums then due to the Issuer under the Lease at the expiration or sooner termination of the Lease Term following full payment of the Bonds; and

WHEREAS, Article 11 of the Lease further provides that upon the closing of the purchase of the related Project, the Issuer shall deliver to the Corporation (i) a release from the trustee for the Bonds of the lien of the related bond indenture and (ii) a quitclaim deed or other necessary documents conveying to the Corporation title to such Project as it then exists; and

WHEREAS, the Corporation has assigned the Lease to BOEING IRB Asset Trust, a Delaware statutory trust (“Assignee”), as provided by and in accordance with the first section of Article 8 of the Lease, pursuant to that certain Assignment Agreement (Lease Agreements) dated as of June 16, 2005 by and between the Corporation and the Assignee; and

WHEREAS, the Issuer has been advised of the Assignee’s intention to exercise its option to purchase the Project in accordance with and pursuant to Article 11 of the Lease on or about June 3, 2008 (the “Purchase Date”); and

WHEREAS, the Issuer finds it necessary to authorize the execution and delivery of a Termination of Lease in connection with the exercise by the Assignee of its option to purchase the Project.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:

Section 1. Definition of Terms. All terms and phrases not otherwise defined herein shall have the respective meanings set forth in the Lease.

Section 2. Authorization of Termination of Lease. The Issuer is hereby authorized to execute and deliver a Termination of Lease dated the Purchase Date with respect to the Lease (the "Lease Termination") by and between the Corporation and the Issuer in substantially the same form as Exhibit A, attached hereto.

Section 3. Execution of Documents. The Mayor, Acting Mayor or Vice Mayor of the Issuer is hereby authorized and directed to execute the Lease Termination for and on behalf of and as the act and deed of the Issuer in substantially the form as presented today with such minor corrections or amendments thereto as the Mayor, Acting Mayor or Vice Mayor of the governing body of the Issuer shall approve, which approval shall be evidenced by his or her execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Resolution. The City Clerk or any Deputy City Clerk of the Issuer are hereby authorized and directed to attest the execution of the Lease Termination behalf of the Issuer and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 4. Delivery of Documents. The Mayor, Acting Mayor, Vice Mayor, City Clerk or other appropriate staff members of the Issuer are hereby authorized and directed to deliver the Lease Termination and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution on the Purchase Date concurrently with the satisfaction of the requirements set forth in the Lease.

Section 5. Release and Consideration. Following receipt by the Issuer from the bond trustee of the Release of Lien of Indenture (the "Release") relating to the Bonds, and from or on behalf of the Assignee of a corporate check in the amount of \$1,000.00 in consideration of the purchase price of the Project, the Release is hereby authorized to be delivered to the Assignee on the Purchase Date, all in accordance with Article 11 of the Lease and Section 4 of this Resolution.

Section 6. Further Authority. The Issuer shall, and the officers, agents and employees of the Issuer are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Resolution and to carry out, comply with and perform the duties of this Issuer with respect to the Lease Termination,

all as necessary to carry out and give effect to the transaction contemplated hereby and thereby.

Section 7. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

PASSED, ADOPTED AND APPROVED by the governing body of the City of Wichita, Kansas this \_\_\_\_ day of \_\_\_\_\_, 2008.

[SEAL]

CITY OF WICHITA, KANSAS

Attest:

By \_\_\_\_\_  
Karen Sublett, City Clerk

By \_\_\_\_\_  
Carl Brewer, Mayor

APPROVED AS TO FORM:

By \_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

## **SCHEDULE I**

### **BONDS**

**City of Wichita, Kansas  
Industrial Revenue Bonds  
(The Boeing Company Project)  
Series XVI, 1997**

**SCHEDULE II**  
**LEASE AGREEMENT**

**Lease Agreement between City of Wichita,  
as Lessor, and The Boeing Company, as  
Lessee, Dated:**

December 1, 1997

## **TERMINATION OF LEASE**

The CITY OF WICHITA, KANSAS (“City”) and BOEING IRB Asset Trust, a Delaware statutory trust (“Assignee”), as assignee of THE BOEING COMPANY, a Delaware corporation (“Lessee”), hereby agree that in connection with the Lease Agreement by and between City and Lessee listed on Schedule I hereto (the “Lease”), which Lease has been assigned by Lessee to Assignee under that certain Assignment Agreement (Lease Agreements) dated as of June 16, 2005 by and between Lessee and Assignee, and which Lease relates to the property comprising the Project (as defined by the Lease), and in consideration of the purchase of the Project by Assignee from City in accordance with Article 11 of the Lease, all right, title and interest of City in and to the Project and all obligation or liability of Lessee and Assignee under the Lease is hereby released, terminated and discharged in all respects, and the Project is hereby sold by City to Assignee in consideration of \$1,000 paid by Assignee to City in accordance with such Article 11.

This Termination of Lease may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

Dated effective as of this \_\_\_\_ day of June, 2008.

**BOEING IRB Asset Trust**, a Delaware  
statutory trust, as Assignee of Lessee

By: The Boeing Company, as Administrative  
Agent

By: \_\_\_\_\_  
Bryan E. Gerard  
Director – New Business Ventures

[Second signature page: Termination of Lease]

**THE BOEING COMPANY**, a Delaware  
corporation, as Lessee

By: \_\_\_\_\_  
Bryan E. Gerard  
Director – New Business Ventures

**CITY OF WICHITA, KANSAS**

By \_\_\_\_\_  
Carl Brewer, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Karen Sublett, City Clerk



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

[SEAL]

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

[SEAL]

## ACKNOWLEDGMENT

STATE OF KANSAS )  
 ) ss.  
COUNTY OF SEDGWICK )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me, the undersigned, a Notary Public in and for said County and State, came CARL BREWER, Mayor, and KAREN SUBLETT, City Clerk, of the City of Wichita, Kansas, a municipal corporation duly authorized, incorporated and existing under and by virtue of the Constitution and laws of the State of Kansas, and that said instrument was executed on behalf of the City.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Notary Public  
My commission expires:

[SEAL]

**SCHEDULE I**  
**LEASE AGREEMENT**

**Lease Agreement between City of Wichita, as  
Lessor, and The Boeing Company, as Lessee,  
Dated:**

December 1, 1997

**Agenda Item No. 7.**

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and City Council  
**SUBJECT:** Purchase Option for 1997 Project (BOEING IRB Asset Trust)  
**INITIATED BY:** Law Department  
**AGENDA:** New Business

-----  
**Recommendation:** Adopt the Resolution approving conveyance to the BOEING IRB Asset Trust of the 1997 project, together with instruments terminating the applicable leases and security interests, and authorize necessary signatures.

**Background:** The City has outstanding nine series of Industrial Revenue Bonds issued between December 1, 1997 and December 14, 2005, to finance facilities for the benefit of The Boeing Company ("Boeing"). Each series was issued as a stand-alone financing for a discrete project, under separate, project-specific Leases (the "Leases"). Bond proceeds for each series were used for the purpose of financing the costs of acquisition, construction, equipping and furnishing of certain industrial facilities (collectively the "Projects") for lease to, and use by, The Boeing Company. On June 16, 2005, Boeing assigned its interest in all of the Leases to BOEING IRB Asset Trust, a Delaware statutory trust ("Tenant"). Under the provisions of the applicable Lease Agreements the Tenant, if not in default, has the option to purchase each project from the City for a set price of \$1000, plus all amounts required to provide for redemption and payment of the principal, interest and premium on the outstanding bonds issued to finance that project, together with the Trustee's fees and costs of redemption. The City has received notice of the BOEING IRB Asset Trust's intention to exercise its purchase option for the property financed with the proceeds of the Series XVI, 1997 Bonds, and the firm of Kutak Rock LLP, Tenant's Bond Counsel, has submitted documents for that purpose.

**Analysis:** Under the terms of the 1997 Lease Agreement, the City is required to convey the property securing the IRB issue to the BOEING IRB Asset Trust, as Assignee of the original Tenant, following the payment of all outstanding Series XVI, 1997 Bonds and the BOEING IRB Asset Trust's payment of the purchase price and other consideration under the provisions of the 1997 Lease Agreement.

**Financial Considerations:** The Tenant desires to have the City complete the conveyance of the purchased property in June 2008, and the purchase price of \$1,000 and other consideration as required by the 1997 Lease Agreement will be paid by the Tenant prior to the closing.

**Goal Impact:** Economic Vitality and Quality of Life. Cooperating with the Tenant and Trustee on IRB issues is a necessary part of preserving the credibility and integrity of the City's IRB program for future projects.

**Legal Considerations:** When the purchase price and other consideration (including the retirement of all the 1997 Bonds) has been paid, it will be appropriate for the City to sell and reconvey the 1997 project property to the BOEING IRB Asset Trust, and to terminate the lease and security interests and take all other actions needed to terminate the City's interest in the property. The City Attorney's Office has approved the form of the attached Resolution and the form of the Termination of Lease to be executed

and delivered by the City, as well as the notice letter to be acknowledged by the City, and the Release of Lien of Indenture to be approved by the City and delivered to the Tenant by the Trustee.

**Recommendations/Actions:** It is recommended that City Council adopt the Resolution, conditionally approving the execution and delivery of the conveyance and termination instruments, and authorize necessary signatures.

**Attachments:** Resolution, Lease Termination

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and Members of the City Council

**SUBJECT:** 2008-2009 HUD Combined Allocations/Annual Action Plan  
(Districts I, III, IV, VI)

**INITIATED BY:** Housing and Community Services Department

**AGENDA:** New Business

---

**Recommendation:** Close the 30 day public comment period and approve the 2008/2009 Annual Action Plan.

**Background:** On March 18, 2008, the City Council approved funding allocations for 2008/2009 entitlement funds. To receive these federal funds, HUD requires cities to prepare an Annual Action Plan listing eligible projects and services to be funded with Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), and Emergency Shelter Grant (ESG) funds. The proposed Annual Action Plan must be submitted for public comment prior to final adoption by the City Council.

**Analysis:** The 2008/2009 Annual Action Plan lists the federal resources expected to be available from grant assistance programs to address priority needs as adopted by the City Council, a description of the activities funded by the City Council, the geographic location of the activities, and other special needs and activities (including homeless services) to be undertaken during the fiscal year. The 2008/2009 Annual Action Plan covers the period July 1, 2008 through June 30, 2009.

**Financial Considerations:** Funding in the 2008/2009 Annual Action Plan totals \$5,205,058, which includes grant funds in the amount of \$4,605,058 and estimated program income (primarily from revolving loan programs) of \$600,000. Grant fund amounts reflect the following reductions from prior year levels due to decreases in congressional appropriations: CDBG reduced by \$105,734; HOME reduced by \$61,097; American Dream Downpayment Initiative (ADDI) reduced by \$23,024; and ESG reduced by \$656. Program income has been allocated for Neighborhood Stabilization projects, rental rehab and NCI/StopBlight/START projects. HOME allocations were adjusted to restore ADDI funding to prior year levels; ESG fund categories were also adjusted to meet actual allocation levels.

**Goal Impact:** Approval of the Annual Action Plan will impact the Economic Vitality and Affordable Living, Quality of Life, Core Area and Neighborhood, and Efficient Infrastructure goals.

**Legal Considerations:** The City has met all federal requirements to finalize a preliminary Annual Action Plan. The 30 day public comment period began April 5, 2008 and ended on May 5, 2008. No comments were received.

**Recommendation/Actions:** It is recommended that the City Council: 1) close the public comment period; 2) approve the proposed 2008/2009 Annual Action Plan as an amendment to the City's Consolidated Plan; 3) authorize submission of the plan to HUD; and, 4) authorize all necessary signatures.

**Attachments:** None.

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Neighborhood Nuisance Enforcement Code Amendments  
Chapter 8.01 of the Code of the City of Wichita

**INITIATED BY:** Office of Central Inspection

**AGENDA:** New Business

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**Recommendations:** It is recommended that the City Council approve first reading of the ordinance.

**Background:** The City Council's approved 2008/2009 budget authorized the transfer of certain Environmental Service Department staff, budget and private property code enforcement responsibilities to the Office of Central Inspection (abandoned or junk cars, tall grass and weeds, bulky waste/debris, scattered trash and residential trash collection service), beginning in 2008. Over the past several months, OCI staff has worked closely with Law, Environmental Services, Police and Municipal Court staff to review pertinent City Codes, processes and procedures, and to develop recommended ordinance amendments. The proposed Chapter 8.01 amendments will help ensure a smooth transition of neighborhood code enforcement responsibilities from the Environmental Services Department to the Office of Central Inspection (from initial notice, to abatement, through Neighborhood Court). The amended ordinances will also facilitate more effective neighborhood code enforcement.

In April 2008, staff presented the proposed ordinance amendments to five (5) of the six (6) District Advisory Boards (DABs) for review and comment. A scheduled presentation to DAB II was deferred from April 7, 2008 until May 5, 2008; the DAB II May 5, 2008 presentation had not been made at the time of this Council Agenda submission to the City Clerk. All other DABs were supportive of proposed amendments to Title 8.01, which will be called the *Neighborhood Nuisance Enforcement Code*.

**Analysis:** Most of the proposed Chapter 8.01 *Neighborhood Nuisance Enforcement Code* amendments are required as a result of the recently approved transfer of various neighborhood code enforcement responsibilities and services from the Environmental Services Department to the Office of Central Inspection. However, several of the proposed amendments implement new regulations are not required by the service transfer.

Chapter 8.01 amendments are necessary in order to:

- § delineate the new and/or revised code enforcement responsibilities (and authority) for the Office of Central Inspection;
- § clarify and/or add definitions required to ensure legally defensible and effective enforcement of the Office of Central Inspection's new or revised neighborhood code responsibilities;
- § set forth minimum required property owner and/or tenant notice procedures and content for new or revised Office of Central Inspection code enforcement duties; and
- § specify private property abatement procedures and appeal (hearing) processes to be used by the Office of Central Inspection in enforcement of new or revised code enforcement responsibilities.

Proposed Title 8.01 amendments **not** required by the transfer of services include: (1) higher *maximum* Municipal Court fines; and (2) imposition of required *minimum* Municipal Court fines for repeat offenders. The maximum allowed fine would be increased from \$500 to \$1,000. Escalating minimum fines for repeat offenders found guilty in Municipal Court more than once within any three-year period would be required, as follows:

- § upon a first conviction, a fine of not more than one thousand dollars;
- § upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;
- § upon a third or subsequent conviction, a fine of not less than two hundred fifty dollars nor more than one thousand dollars.

The proposed Chapter 8.01 fine schedules are similar to those adopted in December 2006 for the Minimum Housing Code (Title 20.04) as part of the StopBlight Program (although maximum and minimum fine levels proposed for Chapter 8.01 are lower).

**Goal Impact:** On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

**Financial Considerations:** There are no costs to the City associated with adoption of the amended ordinance.

**Legal Considerations:** The ordinance has been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve first reading of the ordinance amending Chapter 8.01 of the Code of the City of Wichita

**Attachment:** Copy of delineated Chapter 8.01 amendments.



First Published in The Wichita Eagle on \_\_\_\_\_

DELINEATED

03/10/2008

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070 AND 8.01.130, CREATING SECTIONS 8.01.052, 8.01.055, 8.01.065, 8.01.135 and 8.01.175 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINALS OF SECTIONS. 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070, 8.01.080, 8.01.090. 8.01.130, 8.01.150, 8.01.160, 8.01.170 AND 8.01.180, OF THE CODE OF THE CITY OF WICHITA, KANSAS, ALL PERTAINING TO NUISANCES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 8.01.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Purpose.** The purpose of ~~this title~~ the Neighborhood Nuisance Enforcement Code is to promote the health, safety and welfare of the residents of the City of Wichita, Kansas, and to protect neighborhoods against physical, visual and economic deterioration. To that end, the city intends this ~~title~~ code to prohibit nuisances that:

- (1) Contribute to or cause injury or endangerment to the health, safety or welfare of others;
- (2) Are contrary to community standards of decency;
- (3) Are offensive to the senses;

(4) Obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by the public; or

(5) Damage or contribute to the deterioration of property or improvements in the community.”

SECTION 2. Section 8.01.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Violations not exclusive.** Violations of this ~~title~~ code are in addition to any other violation enumerated within the ordinances of the Code of the City of Wichita. This ~~title~~ code in no way limits the penalties, actions or abatement procedures which may be taken by the city for a violation of this title which is also a violation of any other ordinance of the city or statute of the State of Kansas.

~~The provisions of this title are applicable to property located within a residential district, as defined by Section 8.01.050 of the Code of the City of Wichita."~~

SECTION 3. Section 8.01.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

‘Abandoned vehicle’ means a vehicle to which the last registered owner thereof has relinquished all further dominion and control of a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight hours.

‘Accessory structure’ means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

'Apartment' means a residential building designed or used for three or more dwelling units, including hallways, laundry facilities, common use areas and means of ingress and egress to such dwelling or dwelling units.

'Basement' means that portion of a dwelling between floor and ceiling which is partly below and partly above grade.

'City' means Wichita, Sedgwick County, Kansas.

'City clerk' means the duly appointed city clerk of the City of Wichita, or his/her authorized representative.

'Control measures' means any chemical, structural, physical procedures or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects and rodents detrimental to public health.

'Dilapidation, Deterioration or Disrepair' means the condition or appearance of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

'Director of public works' means the director of the department of public works of the City of Wichita, or his/her authorized representative.

'Dwelling' means any building, manufactured home or mobile home which is wholly or partly used or intended to be used for living or sleeping by human occupants.

'Extermination' means the control and elimination of insects, rodents or other pests and termites by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning.

spraying, fumigating, trapping or by any other recognized and approved pest elimination method.

‘Health officer’ means the director of the Wichita Department of Environmental Services or his/her authorized representative.

‘Human excreta’ means the body discharge (both feces and urine) of humans.

‘Infestation’ means the presence, within a structure, of any insects, rodents or other pests which may be harmful to the health or safety of the occupants or the soundness of the structure.

‘Inoperable’ means: A condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purposes for which it was originally constructed, or

1. The absence of a current valid registration plate upon such vehicle permitting that vehicle to be operated on the public streets and highways of the State of Kansas, unless the vehicle was manufactured or modified solely for non-highway use and ~~has~~ a non-highway vehicle title has been issued solely because the vehicle was not manufactured for street use, or

2. The absence of one or more of the parts of the vehicle necessary for the lawful operation of the vehicle on the public streets and highways, unless the vehicle has a non-highway title issued solely because the vehicle was not manufactured for street use, or

3. The placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.

'Insects' means the classes Insecta and Arachnida of the phylum Arthropoda including flies, mosquitoes, fleas, lice, cockroaches, bedbugs, plant bugs, mites, ticks, spiders, and scorpions.

'Junk vehicle' means any vehicle which is wrecked, scrapped, ruined, partially dismantled, inoperative, abandoned and/or without a valid automobile license tag.

'Multifamily dwelling' means a structure containing two, three or four dwelling units.

'Nuisance' means any condition which is injurious to health, or is a potential health hazard, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a majority of persons subjected to the condition, such condition being no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

'Occupant' means any person, with or without the knowledge or consent of the owner, who has actual possession of a dwelling unit or rooming unit and who is living, sleeping, cooking or eating within the dwelling unit or rooming unit.

'Operator' means any person who has charge, care or control of a building, or part thereof, with or without the knowledge or consent of the owner, in which dwelling units or rooming units are let.

'Owner' means any person who is a holder of any legal or equitable interest in the premises, and alone or jointly or severally with others,

(a) Has record legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or

(b) Has charge, care or control of any dwelling or dwelling unit which may include all persons who have an interest in a structure and any who are in possession or control thereof as owner or agent of the owner, contract purchaser, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner;

(c) Collects rent for a dwelling unit on behalf of or in place of the owner;

Any such person representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he/she were the owner, and upon failure to comply therewith shall be subject to the same penalties set out.

In the absence of substantial evidence to the contrary, records of the Sedgwick County Clerk's Office, Register of Deeds, certified copies of court records or judgments of any court, copies of lease agreements, contracts for deed, mortgages, tax records, rental agreements and other financial documents related to the property shall be conclusive evidence of the ownership of the property.

'Person' means any individual, firm, association, company, syndicate, partnership, or other legal entity, or a natural person for the purposes of the

occupancy standards hereof, a natural person or a legal entity such as, but not limited to, an individual, firm, associate, joint stock company, syndicate, partnership, or corporation.

‘Premises’ means a lot, plot or parcel of land including structures located thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.

‘Property’ means any real property within the city which is not a street or highway.

‘Refuse’ means all putrescible and nonputrescible waste materials such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals and solid industrial wastes but shall not include human or animal excrements.

‘Representative’ shall mean any person or entity listed in the Sedgwick County, Kansas appraiser’s office or treasurer’s office for the purpose of paying taxes; a registered agent with the Kansas Secretary of State’s office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer.

‘Residential bulky waste’ means items of solid waste normally produced by persons in their dwellings or on their dwelling premises that are too large or too heavy to be placed in a thirty to thirty-five gallon container and includes household appliances, furniture, plumbing fixtures, playground equipment, yard appliances and equipment and similar materials but does not include vehicle

major component parts, hazardous waste, demolition and construction waste or tree waste.

~~‘Residential district’ means that land area, including public and private streets, that is contained within one of the zoning districts defined by the Wichita Sedgwick County Unified Zoning Code as a residential zoning district. This definition shall include those sections of public and private streets that abut residentially zoned land on both sides.~~

‘Rodents’ means the so-called domestic rats, *Rattus norvegicus*, and *rattus rattus*, and domestic mice, *Mus musculus* and wild native rodents associated with the transmission of disease or causing nuisance to man or other animals.

‘Safe and Sanitary’ for purposes of this chapter shall mean free from conditions that are dangerous or could cause injury and free from elements such as filth or bacteria that endanger health.

‘Salvage material’ means materials of some value that are obtained from the disassembly of various kinds of machinery, mechanical appliance, and/or the demolition of building or structures.

‘Single-family dwelling’ means a structure containing one dwelling unit.

‘Solid waste collector’ means any governmental agency or any person collecting, transporting and disposing of a solid waste, subject to the conditions of this chapter.

‘Storage’ means the keeping outside of an enclosed building for more than seventy-two consecutive hours.



'Street' or 'highway' means the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic. Where the word 'highway' or the word 'street' is used in this title, it means street, avenue, boulevard, thoroughfare, traffic way, alley and any other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

'Tenant' shall mean any person who has a severable or non-severable interest in the real property either by oral or written lease or covenant, or by other methods of conveying a limited interest in such lands; or any person who occupies or has possession of such real property.

'Tree waste' means all tree or shrub waste including tree stumps, but does not include leaves, tree trimmings or branches tied in bundles not more than four feet in length and not more than eighteen inches in diameter placed beside the solid waste storage containers, vegetation pruning or wood chips placed in such container, fireplace wood or other wood fuel.

'Unsecured structure' means:

Any building or structure, including but not limited to vacant houses or other residential structures, garages, sheds, barns, tool houses and vacant commercial structures that are:

- (1) Readily open to entry by unauthorized persons without the consent of the owner or agent of the owner; or
- (2) Inhabited, occupied or used without the consent of the owner or agent of the owner.

‘Vehicle’ means any automobile, truck, tractor, farm machinery, motorcycle, motorized bicycle or other device designed or used for transportation of persons or property which, as originally built, contained an engine, regardless of whether it contains an engine at any other time.

‘Visible’ means that the shape of a vehicle is recognizable as a vehicle even if it is covered.

‘Weeds’ are those plants defined as "noxious weeds" in K.S.A. 2-1314 and amendments thereto.”

SECTION 4. Section 8.01.052 of the Code of the City of Wichita, Kansas, shall read as follows:

**‘Responsibility to Abate Nuisances.**        (a)    It is unlawful for any property owner, representative, tenant or other such person with control, occupancy, or possession of real property to allow or maintain a nuisance, as defined by this code, on any lot or parcel within the City, including sidewalks, alleys, easements and right-of-way.

(b)    The property owner, representative, tenant, or other such person with control, occupancy, or possession of real property shall be responsible for the abatement of any nuisance.”

SECTION 5. Section 8.01.055 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Nuisances.**    It is unlawful to maintain or to permit to exist any nuisance as herein described. Every successor owner of property who, after proper notice of such nuisance, neglects to abate a continuing nuisance caused by a former

owner or occupant, shall be responsible for such nuisance as provided for by this chapter. The following conditions or materials are declared to be injurious to the health and well being of citizens of the city and are declared to be nuisances together with those conditions not herein enumerated by coming under the definition of nuisance as described in Section 8.01.050.

(1) Open basement structures, excavations, storm cellars, or other excavations that create hazards to any persons, collect water or produce mosquitoes except those excavations authorized by a current building permit and those excavations in use as part of occupied premises if maintained with adequate drainage and fencing consisting of material recognized for the purpose and having openings not larger than two inches in the least dimension;

(2) Growth of weeds, vines or unwanted, uncultivated, or unkempt vegetation that are over twelve inches in length or height on any premises and in streets and alleys in front of and abutting on any premises in the city;

(3) Refuse not stored or disposed of as provided for by Section 8.01.110 of the Code of the City of Wichita;

(4) Salvage material, junk, appliances or other materials on residential premises or vacant lots in residential areas except as provided for by Section 8.01.100 of the Code of the City of Wichita;

(5) Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool houses and vacant houses and

commercial structures which have become so dilapidated and deteriorated as to be a potential accident hazard, rat harborage, attractive nuisance to children or to be offensive to the senses;

(6) Interior furniture stored, maintained or used on the exterior of a dwelling or dwelling unit which is so dilapidated and deteriorated as to be a potential accident hazard, a harborage for insects, rodents or vermin or which emits offensive odors.

(7) Dead, or diseased, or broken trees or branches thereof, which have become dangerous, or which are likely to become dangerous to the public safety, or to the occupants of or property on private premises.

(8) Unsecured structures.

(9) Inoperable or junk vehicles as prohibited by Section 8.01.140 of the Code of the City of Wichita.

(10) Tree waste, as prohibited by Section 8.01.130 of the Code of the City of Wichita.”

SECTION 6. Section 8.01.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Notice of violations to Abate.** (a) Whenever an officer, authorized to enforce violations of the provisions of this ~~title~~ code, determines that there has been a violation of any provisions of this ~~title~~ code, unless other notice requirements are set forth by the Code of the City of Wichita, he/she shall give notice ~~of such alleged~~ to abate such violation to the person or persons responsible therefor, as herein provided.

~~Such notice shall:~~

- ~~(1) Be in writing;~~
- ~~(2) Particularize the violations alleged to exist or have been committed;~~
- ~~(3) Provide a reasonable time for correction of the violation particularized;~~
- ~~(4) Be addressed to and served upon the owner and/or occupant of the premises. Notice shall be deemed properly served upon such owner, operator, or occupant, if a copy thereof is served upon him/her personally, or if such notice cannot be personally served, a copy is sent by certified mail to his/her last known address. If notice of violation cannot be served, service may be obtained by notice of publication by at least one publication in the official newspaper of the City of Wichita. Such publication shall contain the conditions and reason of said notice.~~

~~As used in this section, a "reasonable time for correction" shall be a period of not more than ten days from the individual's receipt of the notice or publication of such notice in the official newspaper of the City of Wichita. For violations of Section 8.01.130, a reasonable time for correction shall be a period of not more than five days from the individual's receipt of the notice or publication of such notice. In the discretion of the officer authorized to enforce this title, the time allowed for correction of the violation may be extended for a period of not more than thirty days upon receipt of a request for such extension of time by the individual receiving the notice of violation.~~

- (b) The notice of abatement shall state:

- (1) A common or legal description of the property, or both;
- (2) That the property is in violation of the Code
- (3) The nature of the violation, including relevant ordinances,  
with sufficient information that would reasonably allow the recipient to  
determine the nature of the violation to allow for self-abatement;
- (4) That the condition creating the violation shall be abated  
within a designated time period, not exceeding 30 days from the date of  
the notice, provided that an extension of one 10-day time period shall be  
granted if the owner or agent of the owner of the property demonstrates  
that due diligence is being exercised in abating the nuisance;
- (5) That the recipient, upon written request, may obtain a  
hearing before a designated hearing officer, provided such request is  
received by the Superintendent of Central Inspection prior to the  
expiration of the designated waiting period.
- (6) That failure to comply with the notice of abatement shall  
result in the City abating the violation with the assessment of costs made  
against the property or by filing for judgment against the recipient;
- (7) That failure to pay such assessments within 30 days of the  
notice of costs shall result in the filing of a tax lien against the property; or  
the filing for judgment against the recipient, or both;
- (8) That such violations are subject to criminal prosecution.
- (c) Except as provided by subsection (d), the notice of abatement shall  
be served on the owner or agent of such property by certified mail, return receipt

requested, or by personal service, or if the same is unoccupied and the owner is a nonresident, then by mailing a notice of certified mail, return receipt requested, to the last known address of the owner.

(d) If the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of an order sent pursuant to this Section during the preceding 24-month period, the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (c) or as provided in this subsection. The City may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

(e) If the notice cannot be conveniently served as set forth in Subsections (b), (c) and (d) of this section, service of the notice is to be made upon such person or persons by at least one publication in the official newspaper of the City of Wichita, such publication to contain the conditions and reasons of the notice;

(f) If the recipient of the notice of abatement makes a written request for hearing within the waiting period, then the City shall schedule a hearing within ten business days before the Superintendent of Central Inspection or a designated hearing officer. The hearing officer shall receive evidence, review the investigation, and prepare a written order. The order shall be sent by certified

mail to all relevant parties within 10 days of the hearing, unless otherwise stated at the hearing, and prior to the City taking any action to abate the violation. The order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon should a violation be found, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the hearing officer.

(g) Any motor vehicle removed and abated from private property pursuant to this ordinance shall be disposed of as provided by K.S.A. 8-1002, et seq., as amended.

(h) Owners or persons entitled to the lawful custody of impounded or abandoned motor vehicles who wish to contest the validity of the motor vehicle tow may request a hearing for such purposes, pursuant to Section 11.97.040 of the Code of the City of Wichita.

(i) If an officer authorized to enforce violations of this code, determines that a violation of this Act exists, he or she may issue a Notice to Appear in Municipal Court for such violation. No other procedures or notice are required as a prerequisite to the issuance of a Notice to Appear.”

SECTION 7. Section 8.01.065 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Abatement of Nuisance by City; Notice of Costs; Assessment and Collection.** (a) If the recipient of the notice of abatement fails to comply with the notice within the period of time designated in the notice, or fails to comply with the notice after a hearing on the matter, then the City may go onto



the property to abate the violation in a reasonable manner. The City shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property or for damages to property in the reasonable exercise of its duty to the public to abate the violations. The City may use its own employees or contract for services to abate the violations of the Code.

(b) If the City takes action to abate the violation, it shall provide a Notice of Costs to the property owner, representative, or tenant. The Notice of Costs shall be delivered by certified mail, return receipt requested, at the last known mailing address; or if the property is vacant or unoccupied, the Notice of Costs shall also be posted on the property in a reasonable manner. The recipient shall have 30 days from the date of the Notice to make full payment. The Notice of Cost shall state:

- (1) The common or legal description of the property, or both;
- (2) The nature of the violation, including relevant ordinances;
- (3) The nature of the work performed to abate the violation;
- (4) The costs incurred for the abatement of the violations in

either a lump sum or in itemized form;

(5) That the notice is a demand for payment within 30 days from the date of notice;

(6) That failure to pay the entire amount within 30 days shall allow the City to file a tax lien against the property or to pursue litigation for the recovery of the costs, or both;

(7) That such additional remedies to recover costs shall include additional amounts including additional administrative costs, attorneys' fees when applicable, and interest;

(8) That payment shall be made by check or money order made payable to the City of Wichita, Kansas, with no post-dating of the check, and sent to the address as stated within the notice with a written indication of the purpose for the payment and the address of the property where the violations occurred. Partial payments will not be accepted and shall be considered as non-payments.

(c) If the payment of costs is not made within the 30-day period, the City may levy a special assessment for such costs against the lot or piece of land. The City Clerk at the time of certifying other City taxes to the County Clerk shall certify the aforesaid costs, and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the City as other City taxes are collected and paid. Provided further, the City may collect the costs in the manner provided at K.S.A. 12-1,115, as amended, by bringing an action in the appropriate court as a personal debt. The City may pursue both assessment and collection at the same time until the full cost, including applicable interests, court costs, attorneys' fees, and administrative costs have been paid in full."

SECTION 8. Section 8.01.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Insects, rodents and other vermin.** (a) Every ~~occupant~~ owner or tenant of a single-family dwelling shall be responsible for the extermination of any insects or rodents, other vermin therein or on the premises. Wherever two or more ~~occupants~~ units are in the same building, the owner or operator of the building shall be responsible for such extermination. If the infestation is caused primarily by improper housekeeping, it shall be the joint responsibility of the owner and occupants to effect such extermination.

(b) All ~~dwellings~~ buildings shall be maintained free of conditions that encourage or permit any necessary breeding of insects that are annoying or dangerous to residents of the city. Exterior windows and doors used for ventilation of all dwellings shall be screened in a manner adequate to exclude insects.”

SECTION 9. Section 8.01.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“~~Noxious w~~Weeds or Other Vegetation as a Nuisance.** (a) Unless authorized by the Director of Environmental Services pursuant to Section 7.40.060(c) of the Code of the City of Wichita, uncultivated or unkept ~~Rank~~ grass, weeds, vines or other vegetation over twelve inches in height or length upon any lot or piece of land or upon the streets and alleys in front of and abutting is unlawful for the owner of any such lot or piece of land to permit ~~rank~~ uncultivated or unkept grass, weeds or other vegetation in excess of twelve inches in height or

length to exist and remain on said owner's land or upon the streets and alleys in front of and abutting upon any such lot or piece of land owned by said owner.

(b) Upon a determination by any officer authorized to enforce the provisions of this title, that a nuisance such as is described in subsection (a) of this section exists and such nuisance has not been abated following a notice of violation pursuant to Section 8.01.060, such officer shall ~~notify the health department~~ proceed to abate ~~such~~ the nuisance.

(c) In lieu of giving notice as provided by Section 8.01.060 of the Code of the City of Wichita, the officer authorized to enforce this code, for the initial notice or any subsequent notice, may send a one-time yearly written notification by mail or personal service. Such notice shall include the same information required above. In addition, such notice shall include a statement that no further notice shall be given prior to removal of weeds. If such a one-time notice is sent pursuant to this subsection, no additional notices are required to be sent prior to removal of weeds for one calendar year from the date of that notice.”

SECTION 10. Section 8.01.135 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Public notice of act.** The city clerk shall cause a general public notice to be placed in the official city newspaper once each year during the month of April. The notice shall read substantially as follows:

#### PUBLIC NOTICE

CITY OF WICHITA, KANSAS

WEED AND VEGETATION ENFORCEMENT

Notice is hereby given to all property owners, representatives and tenants of property located within the city limits of Wichita, Kansas, that it is unlawful to allow the excessive growth of weeds, grass, and uncultivated plants. Excessive growth means more than twelve inches in height. Violators will be subject to prosecution and assessment of costs for abatement of such violations. The weeds abatement ordinances are located in. Chapters 7.40 and 8.01 of the Wichita Municipal Code. Members of the public are welcome to review these laws during regular business hours at the Wichita City Hall, 455 N. Main, Wichita, Kansas.”

SECTION 11. Section 8.01.175 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Hearings--Right of person aggrieved by service of abatement notices.**

(a) Any person affected by any notice which has been issued in connection with the abatement of any nuisance as defined by this chapter, or of any rule or regulation adopted pursuant thereto, who is aggrieved thereby, and who believes the same to be contrary to the policies or regulations of the city, may request and shall be granted an informal hearing on the matter before the Superintendent of Central Inspection or his designated representative; provided that such person shall file in the office of the Superintendent of Central Inspection a written petition requesting such informal hearing and setting forth a brief statement of the grounds therefor, within ten days after the day notice was served. Failure to make a timely request for a hearing shall constitute a waiver of the

person's right to contest the order of abatement. Upon receipt of such petition, the Superintendent of Central Inspection shall set a time and place for such informal hearing and shall give the petitioner written notice thereof. At such informal hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The informal hearing shall be commenced not later than ten days after the day on which the petition was filed; provided that upon application of the petitioner, the Superintendent of Central Inspection or his/her designee may postpone the date of the informal hearing for a reasonable time beyond such ten day period, if in his/her judgment the petitioner has submitted a good and sufficient reason for such postponement.

(b) After such informal hearing as provided for in subsection (a), the Superintendent of Central Inspection or his designated representative may sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the health officer or his designated representative sustains or modifies such notice, it shall be deemed to be an order.

(c) Any person affected by a determination of the Superintendent of Central Inspection may appeal such determination to the municipal court. Such appeal shall be taken within ten days of the issuance of the order by the health officer.

(d) An appeal to the municipal court shall be a *de novo* administrative hearing from which further appeal may be taken to the district court."

SECTION 12. Section 8.01.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

~~“Penalty.~~ **Violation is a misdemeanor.** ~~Except as otherwise provided, a~~Any person who shall be convicted in the municipal court of violating any provisions of this chapter, except Section 8.40.043, shall be deemed guilty of a misdemeanor and shall be punished by ~~a fine of not more than five hundred dollars or by imprisonment of not more than six months or both such fine and imprisonment. Each day that any violation to this chapter occurs, it shall constitute a separate offense and shall be punishable hereinafter as a separate violation. Provided, however, that if upon of any person found guilty of a misdemeanor herein under it shall appear to the court that the nuisance complained of as proscribed in this chapter is continuing, the court shall enter such order as it shall deem appropriate to cause the nuisance to be abated.~~

the following:

(1) Upon a first conviction, a fine of not more than one thousand dollars;

(2) Upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;

(3) Upon a third or subsequent conviction, a fine of not less than two hundred fifty dollars nor more than one thousand dollars;

In addition to the preceding fines such person may be punished by a term of imprisonment which shall not exceed twelve months, or by both such fines and imprisonment.

The imposition of the fines established herein shall be mandatory and the court shall not waive, remit, suspend, parole or otherwise excuse the payment thereof except that the court may order that the defendant perform community service specified by the court but such an order shall be entered only after the court has required the defendant to file an affidavit of such defendant's financial condition as required by Section 1.04.210(e) and amendments thereto, and the court has found from the information contained in the affidavit that the defendant is financially unable to pay the fines imposed herein.

For the purposes of determining whether a conviction is a first or subsequent conviction in sentencing under this section:

(1) conviction includes being convicted of a violation of this section, and it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(2) conviction includes being convicted of a violation of this chapter or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(3) any convictions occurring during the three years prior to the date of the occurrence shall be taken into account when determining the sentence to be imposed.

Each day that any violation to this chapter occurs, it shall constitute a separate offense and shall be punishable hereinafter as a separate violation. Provided, however, that if upon trial of any person found guilty of a misdemeanor herein under it shall appear to the court that the nuisance complained of as



proscribed in this chapter is continuing, the court shall enter such order as it shall deem appropriate to cause the nuisance to be abated.”

SECTION 13. The originals of Sections 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070, 8.01.080, 8.01.090, 8.01.130, 8.01.150, 8.01.160, 8.01.170 and 8.01.180 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 14. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

First Published in The Wichita Eagle on \_\_\_\_\_

03/10/2008

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070 AND 8.01.130, CREATING SECTIONS 8.01.052, 8.01.055, 8.01.065, 8.01.135 and 8.01.175 OF THE CODE OF THE CITY OF WICHITA, KANSAS, AND REPEALING THE ORIGINALS OF SECTIONS. 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070, 8.01.080, 8.01.090. 8.01.130, 8.01.150, 8.01.160, 8.01.170 AND 8.01.180, OF THE CODE OF THE CITY OF WICHITA, KANSAS, ALL PERTAINING TO NUISANCES

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 8.01.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Purpose.** The purpose of the Neighborhood Nuisance Enforcement Code is to promote the health, safety and welfare of the residents of the City of Wichita, Kansas, and to protect neighborhoods against physical, visual and economic deterioration. To that end, the city intends this code to prohibit nuisances that:

- (1) Contribute to or cause injury or endangerment to the health, safety or welfare of others;
- (2) Are contrary to community standards of decency;
- (3) Are offensive to the senses;

(4) Obstruct the free use of property so as to essentially interfere with the comfortable enjoyment of life and property by the public; or

(5) Damage or contribute to the deterioration of property or improvements in the community.”

SECTION 2. Section 8.01.040 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Violations not exclusive.** Violations of this code are in addition to any other violation enumerated within the ordinances of the Code of the City of Wichita. This code in no way limits the penalties, actions or abatement procedures which may be taken by the city for a violation of this title which is also a violation of any other ordinance of the city or statute of the State of Kansas.”

SECTION 3. Section 8.01.050 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

‘Abandoned vehicle’ means a vehicle to which the last registered owner thereof has relinquished all further dominion and control of a vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight hours.

'Accessory structure' means a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

'Apartment' means a residential building designed or used for three or more dwelling units, including hallways, laundry facilities, common use areas and means of ingress and egress to such dwelling or dwelling units.

'Basement' means that portion of a dwelling between floor and ceiling which is partly below and partly above grade.

'City' means Wichita, Sedgwick County, Kansas.

'City clerk' means the duly appointed city clerk of the City of Wichita, or his/her authorized representative.

'Control measures' means any chemical, structural, physical procedures or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects and rodents detrimental to public health.

'Dilapidation, Deterioration or Disrepair' means the condition or appearance of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, excessive use or lack of maintenance.

'Director of public works' means the director of the department of public works of the City of Wichita, or his/her authorized representative.

'Dwelling' means any building, manufactured home or mobile home which is wholly or partly used or intended to be used for living or sleeping by human occupants.

'Extermination' means the control and elimination of insects, rodents or other pests and termites by eliminating their harborage places;

by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and approved pest elimination method.

‘Health officer’ means the director of the Wichita Department of Environmental Services or his/her authorized representative.

‘Human excreta’ means the body discharge (both feces and urine) of humans.

‘Infestation’ means the presence, within a structure, of any insects, rodents or other pests which may be harmful to the health or safety of the occupants or the soundness of the structure.

‘Inoperable’ means: A condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purposes for which it was originally constructed, or

1. The absence of a current valid registration plate upon such vehicle permitting that vehicle to be operated on the public streets and highways of the State of Kansas, unless the vehicle was manufactured or modified solely for non-highway use and a non-highway vehicle title has been issued solely because the vehicle was not manufactured for street use, or

2. The absence of one or more of the parts of the vehicle necessary for the lawful operation of the vehicle on the public streets and highways, unless the vehicle has a non-highway

title issued solely because the vehicle was not manufactured for street use, or

3. The placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.

‘Insects’ means the classes Insecta and Arachnida of the phylum Arthropoda including flies, mosquitoes, fleas, lice, cockroaches, bedbugs, plant bugs, mites, ticks, spiders, and scorpions.

‘Junk vehicle’ means any vehicle which is wrecked, scrapped, ruined, partially dismantled, inoperative, abandoned and/or without a valid automobile license tag.

‘Multifamily dwelling’ means a structure containing two, three or four dwelling units.

‘Nuisance’ means any condition which is injurious to health, or is a potential health hazard, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a majority of persons subjected to the condition, such condition being no less a nuisance because the extent of the annoyance or damage inflicted is unequal.

‘Occupant’ means any person, with or without the knowledge or consent of the owner, who has actual possession of a dwelling unit or rooming unit and who is living, sleeping, cooking or eating within the dwelling unit or rooming unit.

'Operator' means any person who has charge, care or control of a building, or part thereof, with or without the knowledge or consent of the owner, in which dwelling units or rooming units are let.

'Owner' means any person who is a holder of any legal or equitable interest in the premises, and alone or jointly or severally with others,

(a) Has record legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof; or

(b) Has charge, care or control of any dwelling or dwelling unit which may include all persons who have an interest in a structure and any who are in possession or control thereof as owner or agent of the owner, contract purchaser, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner;

(c) Collects rent for a dwelling unit on behalf of or in place of the owner;

Any such person representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he/she were the owner, and upon failure to comply therewith shall be subject to the same penalties set out.

In the absence of substantial evidence to the contrary, records of the Sedgwick County Clerk's Office, Register of Deeds, certified copies of court records or judgments of any court, copies of lease agreements,

contracts for deed, mortgages, tax records, rental agreements and other financial documents related to the property shall be conclusive evidence of the ownership of the property.

‘Person’ means any individual, firm, association, company, syndicate, partnership, or other legal entity, or a natural person for the purposes of the occupancy standards hereof, a natural person or a legal entity such as, but not limited to, an individual, firm, associate, joint stock company, syndicate, partnership, or corporation.

‘Premises’ means a lot, plot or parcel of land including structures located thereon. Premises shall also mean any lot, plot or parcel of land without any structures thereon.

‘Property’ means any real property within the city which is not a street or highway.

‘Refuse’ means all putrescible and nonputrescible waste materials such as trash, debris, garbage, tree trimmings, grass cuttings, dead animals and solid industrial wastes but shall not include human or animal excrements.

‘Representative’ shall mean any person or entity listed in the Sedgwick County, Kansas appraiser’s office or treasurer’s office for the purpose of paying taxes; a registered agent with the Kansas Secretary of State’s office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the



interests of the property or to otherwise control activities on the real property; or a corporate officer.

‘Residential bulky waste’ means items of solid waste normally produced by persons in their dwellings or on their dwelling premises that are too large or too heavy to be placed in a thirty to thirty-five gallon container and includes household appliances, furniture, plumbing fixtures, playground equipment, yard appliances and equipment and similar materials but does not include vehicle major component parts, hazardous waste, demolition and construction waste or tree waste.

‘Rodents’ means the so-called domestic rats, *Rattus norvegicus*, and *rattus rattus*, and domestic mice, *Mus musculus* and wild native rodents associated with the transmission of disease or causing nuisance to man or other animals.

‘Safe and Sanitary’ for purposes of this chapter shall mean free from conditions that are dangerous or could cause injury and free from elements such as filth or bacteria that endanger health.

‘Salvage material’ means materials of some value that are obtained from the disassembly of various kinds of machinery, mechanical appliance, and/or the demolition of building or structures.

‘Single-family dwelling’ means a structure containing one dwelling unit.

‘Solid waste collector’ means any governmental agency or any person collecting, transporting and disposing of a solid waste, subject to the conditions of this chapter.

‘Storage’ means the keeping outside of an enclosed building for more than seventy-two consecutive hours.

‘Street’ or ‘highway’ means the entire width between property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic. Where the word ‘highway’ or the word ‘street’ is used in this title, it means street, avenue, boulevard, thoroughfare, traffic way, alley and any other public way for vehicular travel by whatever name unless the context clearly indicates otherwise.

‘Tenant’ shall mean any person who has a severable or non-severable interest in the real property either by oral or written lease or covenant, or by other methods of conveying a limited interest in such lands; or any person who occupies or has possession of such real property.

‘Tree waste’ means all tree or shrub waste including tree stumps, but does not include leaves, tree trimmings or branches tied in bundles not more than four feet in length and not more than eighteen inches in diameter placed beside the solid waste storage containers, vegetation pruning or wood chips placed in such container, fireplace wood or other wood fuel.

‘Unsecured structure’ means:

Any building or structure, including but not limited to vacant houses or other residential structures, garages, sheds, barns, tool houses and vacant commercial structures that are:

(1) Readily open to entry by unauthorized persons without the consent of the owner or agent of the owner; or

(2) Inhabited, occupied or used without the consent of the owner or agent of the owner.

‘Vehicle’ means any automobile, truck, tractor, farm machinery, motorcycle, motorized bicycle or other device designed or used for transportation of persons or property which, as originally built, contained an engine, regardless of whether it contains an engine at any other time.

‘Visible’ means that the shape of a vehicle is recognizable as a vehicle even if it is covered.

‘Weeds’ are those plants defined as "noxious weeds" in K.S.A. 2-1314 and amendments thereto.”

SECTION 4. Section 8.01.052 of the Code of the City of Wichita, Kansas, shall read as follows:

**‘Responsibility to Abate Nuisances.** (a) It is unlawful for any property owner, representative, tenant or other such person with control, occupancy, or possession of real property to allow or maintain a

nuisance, as defined by this code, on any lot or parcel within the City, including sidewalks, alleys, easements and right-of-way.

(b) The property owner, representative, tenant, or other such person with control, occupancy, or possession of real property shall be responsible for the abatement of any nuisance.”

SECTION 5. Section 8.01.055 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Nuisances.** It is unlawful to maintain or to permit to exist any nuisance as herein described. Every successor owner of property who, after proper notice of such nuisance, neglects to abate a continuing nuisance caused by a former owner or occupant, shall be responsible for such nuisance as provided for by this chapter. The following conditions or materials are declared to be injurious to the health and well being of citizens of the city and are declared to be nuisances together with those conditions not herein enumerated by coming under the definition of nuisance as described in Section 8.01.050.

(1) Open basement structures, excavations, storm cellars, or other excavations that create hazards to any persons, collect water or produce mosquitoes except those excavations authorized by a current building permit and those excavations in use as part of occupied premises if maintained with adequate drainage and fencing consisting of material recognized for the

purpose and having openings not larger than two inches in the least dimension;

(2) Growth of weeds, vines or unwanted, uncultivated, or unkempt vegetation that are over twelve inches in length or height on any premises and in streets and alleys in front of and abutting on any premises in the city;

(3) Refuse not stored or disposed of as provided for by Section 8.01.110 of the Code of the City of Wichita;

(4) Salvage material, junk, appliances or other materials on residential premises or vacant lots in residential areas except as provided for by Section 8.01.100 of the Code of the City of Wichita;

(5) Minor auxiliary or accessory buildings or structures such as privies, sheds, barns, garages, tool houses and vacant houses and commercial structures which have become so dilapidated and deteriorated as to be a potential accident hazard, rat harborage, attractive nuisance to children or to be offensive to the senses;

(6) Interior furniture stored, maintained or used on the exterior of a dwelling or dwelling unit which is so dilapidated and deteriorated as to be a potential accident hazard, a harborage for insects, rodents or vermin or which emits offensive odors.

(7) Dead, or diseased, or broken trees or branches thereof, which have become dangerous, or which are likely to become dangerous to the public safety, or to the occupants of or property on private premises.

(8) Unsecured structures.

(9) Inoperable or junk vehicles as prohibited by Section 8.01.140 of the Code of the City of Wichita.

(10) Tree waste, as prohibited by Section 8.01.130 of the Code of the City of Wichita.”

SECTION 6. Section 8.01.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Notice to Abate.** (a) Whenever an officer, authorized to enforce violations of the provisions of this code, determines that there has been a violation of any provisions of this code, unless other notice requirements are set forth by the Code of the City of Wichita, he/she shall give notice to abate such violation to the person or persons responsible therefor, as herein provided.

(b) The notice of abatement shall state:

(1) A common or legal description of the property, or both;

(2) The nature of the violation, including relevant ordinances, with sufficient information that would reasonably

allow the recipient to determine the nature of the violation to allow for self-abatement;

(3) That the condition creating the violation shall be abated within a designated time period, not exceeding 30 days from the date of the notice, provided that an extension of one 10-day time period shall be granted if the owner or agent of the owner of the property demonstrates that due diligence is being exercised in abating the nuisance;

(4) That the recipient, upon written request, may obtain a hearing before a designated hearing officer, provided such request is received by the Superintendent of Central Inspection prior to the expiration of the designated waiting period.

(5) That failure to comply with the notice of abatement shall result in the City abating the violation with the assessment of costs made against the property or by filing for judgment against the recipient;

(6) That failure to pay such assessments within 30 days of the notice of costs shall result in the filing of a tax lien against the property; or the filing for judgment against the recipient, or both;

(7) That such violations are subject to criminal prosecution.

(c) Except as provided by subsection (d), the notice of abatement shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service, or if the same is unoccupied and the owner is a nonresident, then by mailing a notice of certified mail, return receipt requested, to the last known address of the owner.

(d) If the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of an order sent pursuant to this Section during the preceding 24-month period, the City may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (c) or as provided in this subsection. The City may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

(e) If the notice cannot be conveniently served as set forth in Subsections (b), (c) and (d) of this section, service of the notice is to be made upon such person or persons by at least one publication in the official newspaper of the City of Wichita, such publication to contain the conditions and reasons of the notice;



(f) If the recipient of the notice of abatement makes a written request for hearing within the waiting period, then the City shall schedule a hearing within ten business days before the Superintendent of Central Inspection or a designated hearing officer. The hearing officer shall receive evidence, review the investigation, and prepare a written order. The order shall be sent by certified mail to all relevant parties within 10 days of the hearing, unless otherwise stated at the hearing, and prior to the City taking any action to abate the violation. The order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon should a violation be found, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the hearing officer.

(g) Any motor vehicle removed and abated from private property pursuant to this ordinance shall be disposed of as provided by K.S.A. 8-1002, *et seq.*, as amended.

(h) Owners or persons entitled to the lawful custody of impounded or abandoned motor vehicles who wish to contest the validity of the motor vehicle tow may request a hearing for such purposes, pursuant to Section 11.97.040 of the Code of the City of Wichita.

(i) If an officer authorized to enforce violations of this code, determines that a violation of this Act exists, he or she may issue a Notice to Appear in Municipal Court for such violation. No other procedures or notice are required as a prerequisite to the issuance of a Notice to Appear.”

SECTION 7. Section 8.01.065 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Abatement of Nuisance by City; Notice of Costs; Assessment and Collection. (a)**

If the recipient of the notice of abatement fails to comply with the notice within the period of time designated in the notice, or fails to comply with the notice after a hearing on the matter, then the City may go onto the property to abate the violation in a reasonable manner. The City shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property or for damages to property in the reasonable exercise of its duty to the public to abate the violations. The City may use its own employees or contract for services to abate the violations of the Code.

(b) If the City takes action to abate the violation, it shall provide a Notice of Costs to the property owner, representative, or tenant. The Notice of Costs shall be delivered by certified mail, return receipt requested, at the last known mailing address; or if the property is vacant or unoccupied, the Notice of Costs shall also be posted on the property in a reasonable manner. The recipient shall have 30 days from the date of the Notice to make full payment. The Notice of Cost shall state:

- (1) The common or legal description of the property, or both;
- (2) The nature of the violation, including relevant ordinances;

(3) The nature of the work performed to abate the violation;

(4) The costs incurred for the abatement of the violations in either a lump sum or in itemized form;

(5) That the notice is a demand for payment within 30 days from the date of notice;

(6) That failure to pay the entire amount within 30 days shall allow the City to file a tax lien against the property or to pursue litigation for the recovery of the costs, or both;

(7) That such additional remedies to recover costs shall include additional amounts including additional administrative costs, attorneys' fees when applicable, and interest;

(8) That payment shall be made by check or money order made payable to the City of Wichita, Kansas, with no post-dating of the check, and sent to the address as stated within the notice with a written indication of the purpose for the payment and the address of the property where the violations occurred. Partial payments will not be accepted and shall be considered as non-payments.

(c) If the payment of costs is not made within the 30-day period, the City may levy a special assessment for such costs against the lot or piece of land. The City Clerk at the time of certifying other City taxes to the County Clerk shall certify the aforesaid costs, and the County

Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the City as other City taxes are collected and paid. Provided further, the City may collect the costs in the manner provided at K.S.A. 12-1,115, as amended, by bringing an action in the appropriate court as a personal debt. The City may pursue both assessment and collection at the same time until the full cost, including applicable interests, court costs, attorneys' fees, and administrative costs have been paid in full."

SECTION 8. Section 8.01.070 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Insects, rodents and other vermin.** (a) Every owner or tenant of a single-family dwelling shall be responsible for the extermination of any insects or rodents, other vermin therein or on the premises. Wherever two or more units are in the same building, the owner or operator of the building shall be responsible for such extermination. If the infestation is caused primarily by improper housekeeping, it shall be the joint responsibility of the owner and occupants to effect such extermination.

(b) All buildings shall be maintained free of conditions that encourage or permit any necessary breeding of insects that are annoying or dangerous to residents of the city. Exterior windows and doors used for ventilation of all dwellings shall be screened in a manner adequate to exclude insects."

SECTION 9. Section 8.01.130 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Weeds or Other Vegetation as a Nuisance.** (a) Unless authorized by the Director of Environmental Services pursuant to Section 7.40.060(c) of the Code of the City of Wichita, uncultivated or unkept grass, weeds, vines or other vegetation over twelve inches in height or length upon any lot or piece of land or upon the streets and alleys in front of and abutting is unlawful for the owner of any such lot or piece of land to permit uncultivated or unkept grass, weeds or other vegetation in excess of twelve inches in height or length to exist and remain on said owner's land or upon the streets and alleys in front of and abutting upon any such lot or piece of land owned by said owner.

(b) Upon a determination by any officer authorized to enforce the provisions of this title, that a nuisance such as is described in subsection (a) of this section exists and such nuisance has not been abated following a notice of violation pursuant to Section 8.01.060, such officer shall proceed to abate the nuisance.

(c) In lieu of giving notice as provided by Section 8.01.060 of the Code of the City of Wichita, the officer authorized to enforce this code, for the initial notice or any subsequent notice, may send a one-time yearly written notification by mail or personal service. Such notice shall include the same information required above. In addition, such notice shall include a statement that no further notice shall be given prior to removal

of weeds. If such a one-time notice is sent pursuant to this subsection, no additional notices are required to be sent prior to removal of weeds for one calendar year from the date of that notice.”

SECTION 10. Section 8.01.135 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Public notice of act.** The city clerk shall cause a general public notice to be placed in the official city newspaper once each year during the month of April. The notice shall read substantially as follows:

PUBLIC NOTICE

CITY OF WICHITA, KANSAS

WEED AND VEGETATION ENFORCEMENT

Notice is hereby given to all property owners, representatives and tenants of property located within the city limits of Wichita, Kansas, that it is unlawful to allow the excessive growth of weeds, grass, and uncultivated plants. Excessive growth means more than twelve inches in height. Violators will be subject to prosecution and assessment of costs for abatement of such violations. The weeds abatement ordinances are located in. Chapters 7.40 and 8.01 of the Wichita Municipal Code. Members of the public are welcome to review these laws during regular business hours at the Wichita City Hall, 455 N. Main, Wichita, Kansas.”

SECTION 11. Section 8.01.175 of the Code of the City of Wichita, Kansas, shall read as follows:

**“Hearings--Right of person aggrieved by service of abatement notices.**

(a) Any person affected by any notice which has been issued in connection with the abatement of any nuisance as defined by this chapter, or of any rule or regulation adopted pursuant thereto, who is aggrieved thereby, and who believes the same to be contrary to the policies or regulations of the city, may request and shall be granted an informal hearing on the matter before the Superintendent of Central Inspection or his designated representative; provided that such person shall file in the office of the Superintendent of Central Inspection a written petition requesting such informal hearing and setting forth a brief statement of the grounds therefor, within ten days after the day notice was served. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the order of abatement. Upon receipt of such petition, the Superintendent of Central Inspection shall set a time and place for such informal hearing and shall give the petitioner written notice thereof. At such informal hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The informal hearing shall be commenced not later than ten days after the day on which the petition was filed; provided that upon application of the petitioner, the Superintendent of Central Inspection or

his/her designee may postpone the date of the informal hearing for a reasonable time beyond such ten day period, if in his/her judgment the petitioner has submitted a good and sufficient reason for such postponement.

(b) After such informal hearing as provided for in subsection (a), the Superintendent of Central Inspection or his designated representative may sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the health officer or his designated representative sustains or modifies such notice, it shall be deemed to be an order.

(c) Any person affected by a determination of the Superintendent of Central Inspection may appeal such determination to the municipal court. Such appeal shall be taken within ten days of the issuance of the order by the health officer.

(d) An appeal to the municipal court shall be a *de novo* administrative hearing from which further appeal may be taken to the district court.”

SECTION 12. Section 8.01.180 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**“Violation is a misdemeanor.** Any person who shall be convicted in the municipal court of violating any provisions of this chapter, except Section 8.40.043, shall be deemed guilty of a misdemeanor and shall be punished by the following:



(1) Upon a first conviction, a fine of not more than one thousand dollars;

(2) Upon a second conviction, a fine of not less than one hundred dollars nor more than one thousand dollars;

(3) Upon a third or subsequent conviction, a fine of not less than two hundred fifty dollars nor more than one thousand dollars;

In addition to the preceding fines such person may be punished by a term of imprisonment which shall not exceed twelve months, or by both such fines and imprisonment.

The imposition of the fines established herein shall be mandatory and the court shall not waive, remit, suspend, parole or otherwise excuse the payment thereof except that the court may order that the defendant perform community service specified by the court but such an order shall be entered only after the court has required the defendant to file an affidavit of such defendant's financial condition as required by Section 1.04.210(e) and amendments thereto, and the court has found from the information contained in the affidavit that the defendant is financially unable to pay the fines imposed herein.

For the purposes of determining whether a conviction is a first or subsequent conviction in sentencing under this section:

(1) conviction includes being convicted of a violation of this section, and it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(2) conviction includes being convicted of a violation of this chapter or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(3) any convictions occurring during the three years prior to the date of the occurrence shall be taken into account when determining the sentence to be imposed.

Each day that any violation to this chapter occurs, it shall constitute a separate offense and shall be punishable hereinafter as a separate violation. Provided, however, that if upon trial of any person found guilty of a misdemeanor herein under it shall appear to the court that the nuisance complained of as proscribed in this chapter is continuing, the court shall enter such order as it shall deem appropriate to cause the nuisance to be abated.”

SECTION 13. The originals of Sections 8.01.010, 8.01.040, 8.01.050, 8.01.060, 8.01.070, 8.01.080, 8.01.090, 8.01.130, 8.01.150, 8.01.160, 8.01.170 and 8.01.180 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 14. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_  
day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Graffiti Ordinance Code Amendments  
Chapter 5.37 of the Code of the City of Wichita

**INITIATED BY:** Office of Central Inspection

**AGENDA:** New Business

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**Recommendations:** It is recommended that the City Council approve first reading of the ordinance.

**Background:** Over the past several months, Office of Central Inspection (OCI) staff has worked closely with Law, Environmental Services, Police and Municipal Court staff to review pertinent City Codes, policies and procedures that may be affected by the Council's approved transfer of certain Environmental Service Department personnel, funding and neighborhood nuisance code enforcement responsibilities to OCI (abandoned or junk cars, tall grass and weeds, bulky waste/debris, scattered trash and residential trash collection service). The transfer was authorized with Council approval of the City's 2008/2009 budget.

The Graffiti Ordinance (Chapter 5.37 of the Code of the City of Wichita) was one of the ordinances reviewed during this process. Although no changes to the Graffiti Ordinance are required as a result of the budget-authorized service transfer, staff saw a need to modify the property owner notice requirements, as currently set forth in the ordinance.

In April 2008, staff presented the proposed ordinance amendments to five (5) of the six (6) District Advisory Boards (DABs) for review and comment. A scheduled presentation to DAB II was deferred from April 7, 2008 until May 5, 2008; the DAB II May 5, 2008 presentation had not been made at the time of this Council Agenda item to the City Clerk. All other DABs were supportive of the proposed Code amendments.

**Analysis:** The proposed amendment to Chapter 5.37 eliminates highly specific format and wording of the required notice to property owners. Instead of requiring notice in an exact format, the proposed amendments set forth notice requirements in general terms. The amended ordinance will allow OCI to revise the required notice to be more friendly, informative and useful to notice recipients.

**Goal Impact:** On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

**Financial Considerations:** There are no costs associated with adoption of the amended ordinance.

**Legal Considerations:** The ordinance has been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve first reading of the ordinance amending Chapter 5.37 of the Code of the City of Wichita

**Attachment:** Copy of delineated Chapter 5.37 amendments.

First Published in The Wichita Eagle on \_\_\_\_\_

DELINEATED

04/28/2008

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 5.37.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO GRAFFITI AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.37.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Notice--Form.** Whenever any city employee authorized to enforce this chapter finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee shall cause a notice to remove graffiti to be served upon the owner, as shown in the current files of the real estate division of the county clerk's office.

The notice shall ~~be in substantially~~ state the following ~~form~~:

**NOTICE TO REMOVE GRAFFITI**

~~TO~~ \_\_\_\_\_, as owner:

~~Pursuant to the provisions of Chapter 5.37 of the Code of the City of~~  
~~Wichita, Kansas, you are hereby notified to remove from~~ \_\_\_\_\_

\_\_\_\_\_

(Description of property)

AKA \_\_\_\_\_

Address \_\_\_\_\_

~~All graffiti as defined in the Code of the City of Wichita within seven (7) days from the date of this notice.~~

~~\* \_\_\_\_\_ (check if applicable) Action has already been taken by the City to temporarily obliterate this graffiti, but the same must be permanently removed within seven (7) days from the date of this notice.~~

~~If all graffiti is not permanently removed from the above described property within seven (7) days from the date of this notice, the City will cause it to be removed and the charges for removal shall become a personal obligation and a lien upon your property.~~

~~If you intend to remove such graffiti yourself, you are required to obtain from the City a certificate stating that the graffiti has been satisfactorily removed; otherwise if the City is dissatisfied with the manner in which the work has been done, the graffiti will be further removed at your expense.~~

~~If you object to the removal of the graffiti from your premises, you may appeal to the Superintendent of the office of Central Inspection by filing a written notice of appeal in the Office of Central Inspection on the 7th floor of City Hall, 455 N. Main, Wichita, Kansas. Such written notice must be filed within five (5) days from the date of this notice. Failure to appeal shall be construed as your acceptance of the determination by the City's authorized employee and any and all remedies provided by the Code of the City of Wichita.~~

Dated: \_\_\_\_\_

~~Office of Central Inspection~~

~~City of Wichita~~

1. The property owner has seven days from the date of the notice to remove the graffiti.
2. If the graffiti is not removed from the property within the seven-day period, the City will remove the graffiti.
3. Any costs associated with removing the graffiti will be the personal obligation of the property owner and a lien will be placed on the property for all costs associated with the clean-up.
4. If the owner fails to obtain a certificate of compliance, any additional expenses incurred by the City will be assessed against the property owner.
5. The property owner has the right to appeal the graffiti notice to the Superintendent of Central Inspection.
6. An appeal may be taken by filing a written Notice of Appeal with the Office of Central Inspection. The Notice of Appeal must be filed within five days from the date of the graffiti notice.
7. Failure to appeal will waive any objection to the City's proposed action and authorize the City to remove the graffiti from the owner's property."

SECTION 2. The original of Section 5.37.060 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law



First Published in The Wichita Eagle on \_\_\_\_\_

04/28/2008

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 5.37.060 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO GRAFFITI AND REPEALING THE ORIGINALS OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 5.37.060 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

**"Notice--Form.** Whenever any city employee authorized to enforce this chapter finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee shall cause a notice to remove graffiti to be served upon the owner, as shown in the current files of the real estate division of the county clerk's office.

The notice shall state the following:

1. The property owner has seven days from the date of the notice to remove the graffiti.
2. If the graffiti is not removed from the property within the seven-day period, the City will remove the graffiti.

3. Any costs associated with removing the graffiti will be the personal obligation of the property owner and a lien will be placed on the property for all costs associated with the clean-up.

4. If the owner fails to obtain a certificate of compliance, any additional expenses incurred by the City will be assessed against the property owner.

5. The property owner has the right to appeal the graffiti notice to the Superintendent of Central Inspection.

6. An appeal may be taken by filing a written Notice of Appeal with the Office of Central Inspection. The Notice of Appeal must be filed within five days from the date of the graffiti notice.

7. Failure to appeal will waive any objection to the City's proposed action and authorize the City to remove the graffiti from the owner's property."

SECTION 2. The original of Section 5.37.060 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Traffic Ordinance Amendments (OCI parking enforcement authority)  
Chapter 11.52.035 of the Code of the City of Wichita

**INITIATED BY:** Office of Central Inspection

**AGENDA:** New Business

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**Recommendations:** It is recommended that the City Council approve first reading of the ordinance.

**Background:** Over the past several months, Office of Central Inspection (OCI) staff has worked closely with Law, Environmental Services, Police and Municipal Court staff to review pertinent City Codes, policies and procedures that may be affected by the Council's approved transfer of certain Environmental Service Department personnel, funding and neighborhood nuisance code enforcement responsibilities to OCI (abandoned or junk cars, tall grass and weeds, bulky waste/debris, scattered trash and residential trash collection service). The transfer was authorized with Council approval of the City's 2008/2009 budget.

The Traffic Ordinance section pertaining to illegal parking (Chapter 11.52 of the Code of the City of Wichita) was one of the ordinances reviewed during this process. Although no changes to Chapter 11.52 are required as a result of the budget-authorized neighborhood code enforcement service transfer, staff saw a need to modify Chapter 11.52 to more clearly establish authority of OCI personnel to enforce various parking requirements of the ordinance.

In April 2008, staff presented the proposed ordinance amendments to five (5) of the six (6) District Advisory Boards (DABs) for review and comment. A scheduled presentation to DAB II was deferred from April 7, 2008 until May 5, 2008; the DAB II May 5, 2008 presentation had not been made at the time of this Council Agenda item to the City Clerk. All other DABs were supportive of the proposed Code amendments, although DAB III had some questions regarding illegal parking on a "sidewalk area."

**Analysis:** The proposed creation of Section 11.52.035 clarifies authority of OCI inspectors (in addition to law enforcement officers) to issue notices and/or citations for certain parking violations, as currently outlined in existing City Code Sections 11.52.020(4) and 11.52.030, including:

- § Parking of vehicles on or across public sidewalk areas; and
- § Illegal parking of vehicles in front yards and street side yards, and/or on un-surfaced areas (per Unified Zoning Code requirements).

The newly created Chapter 11.52.035 provisions provide for more efficient and effective City enforcement of these parking violations, and help ensure enforceability of these parking ordinance provisions by OCI staff. With respect to illegal parking on "sidewalk areas", the Superintendent of OCI has confirmed with the Law Department that for purposes of enforcement, "sidewalk area" shall not include an area where no sidewalk exists.

**Goal Impact:** On January 24, 2006, the City Council adopted five (5) goals for the City of Wichita. These include: Provide a Safe and Secure Community, Promote Economic Vitality and Affordable Living, Ensure Efficient Infrastructure, Enhance Quality of Life, and Support a Dynamic Core Area & Vibrant Neighborhoods. This agenda item impacts the goal indicator to Support a Dynamic Core Area and Vibrant Neighborhoods: Continued Revitalization of the Core Area and Neighborhoods.

**Financial Considerations:** There are no City costs associated with adoption of the amended ordinance.

**Legal Considerations:** The ordinances have been approved as to form by the Law Department.

**Recommendations/Actions:** It is recommended that the City Council approve first reading of the ordinance creating Chapter 11.52.035 of the Code of the City of Wichita

**Attachment:** Copy of proposed Chapter 11.52.035.

First Published in The Wichita Eagle on \_\_\_\_\_

03/04/2008

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING SECTION 11.52.035 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO UNLAWFUL PARKING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. Section 11.52.035 of the Code of the City of Wichita, Kansas, shall read as follows:

**"Enforcement of Sections 11.52.020(4) and 11.52.030.** In addition to law enforcement officers, the Office of Central Inspection of the City of Wichita, and the authorized representatives of such department shall be responsible for the enforcement of Sections 11.52.020(4) and 11.52.030 of the Code of the City of Wichita."

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary E. Rebenstorf  
Director of Law

# CAPITAL IMPROVEMENT

## PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

|   |
|---|
| X |
|---|

1. Prepare in triplicate

2. Send original & 2 copies to budget.

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.


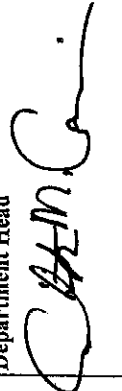
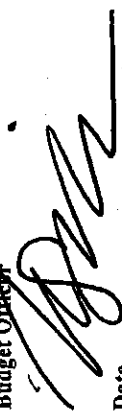

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

|  |           |   |           |                                    |                   |   |  |
|--|-----------|---|-----------|------------------------------------|-------------------|---|--|
| 1. Initiating Department<br>Public Works                                       |           | 2. Initiating Division<br>Eng                 |           | 3. Date<br>4/17/2008               |                   | 4. Project Description & Location<br>Countywide Stormwater Design Criteria Manual |  |
| 5. CIP Project Number<br>468-84502   |           | 6. Accounting Number                          |           | 7. CIP Project Date (Year)<br>2008 |                   | 8. Approved by WCC Date   |  |
| 9. Estimated Start Date<br>June 1, 2008  |           | 10. Estimated Completion Date<br>June 1, 2009 |           | 11. Project Revised                |                   |   |  |
| 12. Project Cost Estimate  |           |   |           |                                    |                   |   |  |
| ITEM   | GO        | SA  | OTHER *   | TOTAL                              | 12A.              |   |  |
| Right of Way   |           |   |           |                                    | Platting Required |   |  |
| Paving, grading & const.   |           |   |           |                                    | Lot Split         |   |  |
| Bridge & Culverts  |           |   |           |                                    | Petition          |   |  |
| Drainage, design & const.  | \$250,000 |   | \$218,250 | \$468,500                          | Ordered by WCC    |   |  |
| Sanitary Sewer   |           |   |           |                                    |                   |   |  |
| Sidewalk   |           |   |           |                                    |                   |   |  |
| Water  |           |   |           |                                    |                   |   |  |
| Railroad   |           |   |           |                                    |                   |   |  |
| Totals   | \$250,000 |   | \$218,500 | \$468,000                          |                   |   |  |
| Total CIP Amount Budgeted  | \$250,000 |   | \$0       | \$250,000                          |                   |   |  |
| Total Prelim. Estimate   |           |   |           |                                    |                   |   |  |
| 13. Recommendation: approve the project and place the ordinance on 1st reading |           |   |           |                                    |                   |   |  |

Remarks:

GO Bonds are to be repaid by the City's Stormwater Utility and the County will repay \$218,500, listed as "Other".

|  |  |  |   |
|--|--|--|---|
| Division Head<br> | Department Head<br> | Budget Officer<br> | City Manager<br> |
| Date   | Date   | Date   | Date  |

132002

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF  
WICHITA AT LARGE FOR A STORMWATER DRAINAGE CRITERIA AND DESIGN  
MANUAL (468-84502)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1. That the City of Wichita and Sedgwick County desires to develop a Countywide drainage criteria manual to improve the stormwater and floodplain management guidelines for the City of Wichita and Sedgwick County.

SECTION 2. That the cost of said drainage manual for the above-described improvements is estimated to be \$468,250 exclusive of the cost of interest on borrowed money. Said cost, when ascertained, shall be borne by the City of Wichita at large by the issuance of general obligation bonds.

SECTION 3. That the advisability of said improvements is established as authorized by K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156.

SECTION 4. That this Resolution shall take effect and be in force from and after its passage and shall be published in the official City paper.

ADOPTED at Wichita, Kansas, \_\_\_\_\_

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED:

  
\_\_\_\_\_  
GARY REBENSTORF, DIRECTOR OF LAW



**AGREEMENT  
DRAINAGE CRITERIA AND DESIGN MANUAL PROJECTS**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between Sedgwick County, Kansas, hereinafter referred to as "County" and the City of Wichita, Kansas, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, County and City are authorized to enter into an agreement pursuant to K.S.A. 12-2908, as amended; and

WHEREAS, County and City desire to complete a Drainage Criteria and Design Manual, hereinafter referred to as "Project", in order to meet one of the goals set out by their jointly appointed Floodplain Management Task Force; and

WHEREAS, County desires that City to be the lead agency for the Project;

NOW, THEREFORE, for and in consideration of the parties' mutual promises and covenants, it is agreed as follows:

1. City will manage the project.
2. City and its contractor will coordinate with the Sedgwick County Stormwater Management Advisory Board (SMAB) during preparation of the manual and submit draft documents and the final document to the SMAB for review. SMAB may appoint a Technical Advisory Committee (TAC) and direct that some or all of the SMAB review work be performed by the TAC.
3. City will enter into a contract with an engineering consultant to complete the project for an amount not to exceed \$436,500.00.
4. City and County will split the cost of the project equally after any contributions made to the project by other communities are deducted from the total project cost.
5. County will make payments based upon the actual amounts billed by the engineering consultant. Payments will be made within 30 days of receipt of an invoice from City.
6. City shall have final authority in regard to the bidding, contract administration and matters concerning the Project.
7. The duration of this Agreement is until the completion the Project.
8. The engineering consultant's project scope, preliminary schedule and staff hour estimate is included in this agreement as Attachment A, B and C.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

THE CITY OF WICHITA, KANSAS

\_\_\_\_\_  
THOMAS G. WINTERS,  
Chairman, Third District

\_\_\_\_\_  
CARL BREWER  
Mayor

ATTEST:

ATTEST:

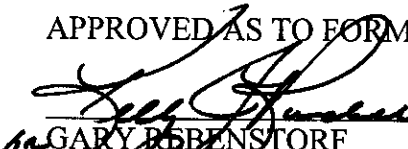
\_\_\_\_\_  
DON BRACE,  
County Clerk

\_\_\_\_\_  
KAREN SUBLETTE  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
ROBERT W. PARNACOTT,  
Assistant County Counselor

  
\_\_\_\_\_  
GARY REBENSTORF  
City Attorney

AGREEMENT

for

PROFESSIONAL SERVICES

between

THE CITY OF WICHITA, KANSAS

and

AMEC EARTH & ENVIRONMENTAL, INC.

for

DRAINAGE CRITERIA AND DESIGN MANUAL

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the CITY OF WICHITA, KANSAS, party of the first part, hereinafter called the "CITY" and AMEC EARTH & ENVIRONMENTAL, INC., party of the second part, hereinafter called the "ENGINEER".

WITNESSETH: That

WHEREAS, the CITY intends to develop a;

**DRAINAGE CRITERIA AND DESIGN MANUAL**  
(Project No. 468 84502)

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. SCOPE OF SERVICES

The ENGINEER shall furnish professional services as required for developing a Countywide Stormwater Technical Guidance Manual and to perform the PROJECT tasks outlined in Exhibit A.

II. IN ADDITION, THE ENGINEER AGREES

- A. To provide the various technical and professional services, equipment, material and transportation to perform the tasks as outlined in the SCOPE OF SERVICES (Exhibit A).
- B. To attend meetings with the City and other local, state and federal agencies as necessitated by the SCOPE OF SERVICES.
- C. To make available during regular office hours, all calculations, sketches and drawings such as the CITY may wish to examine periodically during performance of this agreement.
- D. To save and hold CITY harmless against all suits, claims, damages and losses for injuries to persons or property arising from or caused by errors, omissions or negligent acts of ENGINEER, its agents, servants, employees, or subcontractors occurring in the performance of its services under this contract.
- E. To maintain books, documents, papers, accounting records and other evidence pertaining to costs incurred by ENGINEER and, where relevant to method of payment, to make such material available to the CITY.

- F. To comply with all Federal, State and local laws, ordinances and regulations applicable to the work, including Title VI of the Civil Rights Act of 1964, and to comply with the CITY'S Affirmative Action Program as set forth in Exhibit "B" which is attached hereto and adopted by reference as though fully set forth herein.
- G. To accept compensation for the work herein described in such amounts and at such periods as provided in Article IV and that such compensation shall be satisfactory and sufficient payment for all work performed, equipment or materials used and services rendered in connection with such work.
- H. To complete the services to be performed by ENGINEER within the time allotted for the PROJECT in accordance with Exhibit A; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond control of the ENGINEER.
- I. Covenants and represents to be responsible for the professional and technical accuracies and the coordination of all designs, drawings, specifications, plans and/or other work or material furnished by the ENGINEER under this agreement. ENGINEER further agrees, covenants and represents, that all designs, drawings, specifications, plans, and other work or material furnished by ENGINEER, its agents, employees and subcontractors, under this agreement, including any additions, alterations or amendments thereof, shall be free from negligent errors or omissions.
- J. ENGINEER shall procure and maintain such insurance as will protect the ENGINEER from damages resulting from the negligent acts of the ENGINEER, its agents, officers, employees and subcontractors in the performance of the professional services rendered under this agreement. Such policy of insurance shall be in an amount not less than \$500,000.00 subject to a deductible of \$10,000.00. In addition, a Workman's Compensation and Employer's Liability Policy shall be procured and maintained. This policy shall include an "all state" endorsement. Said insurance policy shall also cover claims for injury, disease or death of employees arising out of and in the course of their employment, which, for any reason, may not fall within the provisions of the Workman's Compensation Law. The liability limit shall be not less than:

Workman's Compensation - Statutory  
Employer's Liability - \$500,000 each occurrence.

Further, a comprehensive general liability policy shall be procured and maintained by the ENGINEER that shall be written in a comprehensive form and shall protect ENGINEER against all claims arising from injuries to persons (other than ENGINEER'S employees) or damage to property of the CITY or others arising out of any negligent act or omission of ENGINEER, its agents, officers, employees or subcontractors in the performance of the professional services under this agreement. The liability limit shall not be less than \$500,000.00 per occurrence for bodily injury, death and property damage. Satisfactory Certificates of Insurance shall be filed with the CITY prior to the time ENGINEER starts any work under this agreement. In addition, insurance policies applicable hereto shall contain a provision that provides that the CITY shall be given thirty (30) days written notice by the insurance company before such policy is substantially changed or canceled.

- K. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The ENGINEER agrees to advise the CITY, in writing, of the person(s) designated as Project Manager not later than five (5) days following issuance of the notice to proceed on the work required by this agreement. The ENGINEER shall also advise the CITY of any changes in the person designated Project Manager. Written notification shall be provided to the CITY for any changes exceeding one week in length of time.

### III. THE CITY AGREES:

- A. To furnish all available data pertaining to the PROJECT now in the CITY'S files at no cost to the ENGINEER. Confidential materials so furnished will be kept confidential by the ENGINEER.
- B. To provide standards as required for the PROJECT; however, reproduction costs are the responsibility of the ENGINEER, except as specified in Exhibit A.
- C. To pay the ENGINEER for his services in accordance with the requirements of this agreement.
- D. To provide the right-of-entry for ENGINEER'S personnel in performing field surveys and inspections.
- E. To designate a Project Manager for the coordination of the work that this agreement requires to be performed. The CITY agrees to advise, the ENGINEER, in writing, of the person(s) designated as Project

Manager with the issuance of the notice to proceed on the work required by this agreement. The CITY shall also advise the ENGINEER of any changes in the person(s) designated Project Manager. Written notification shall be provided to the ENGINEER for any changes exceeding one week in length of time.

- F. To examine all studies, reports, sketches, drawings, specifications, proposals and other documents presented by ENGINEER in a timely fashion.

#### IV. PAYMENT PROVISIONS

- A. Payment to the ENGINEER for the performance of professional services required by this agreement shall be based upon the ENGINEER'S actual costs and may be less than the estimated amount. Payment shall be full compensation for salary costs, expenses, overhead (overhead to be applied to straight-time salary cost only with premium overtime reimbursed at cost), profit, subcontracting and all other costs required in performing the work described herein. Overhead includes fringe benefits. The test of the allowability to be applied for this agreement shall be based on the provisions of the agreement and on the reasonableness of allocation of costs under generally accepted accounting principles and practices. Overhead costs shall be computed by multiplying an Overhead Factor times the actual salaries or wages paid to personnel assigned to the PROJECT. The Overhead Factor shall be 187.87 percent for the work required by this agreement. The multiplier factor including the overhead rate and the standard twelve (12) percent profit is 3.22. Total payments to the ENGINEER for the preparation of the work associated with the PROJECT shall include salary costs times a multiplier of 3.22. Total compensation, which includes subconsultants, if any, and reimbursable expenses will not exceed \$436,500.00 and shall generally be in accordance with the estimate provided as Attachment C. Reimbursable expenses will be invoiced at a multiplier of 1.0. Profit shall not be applied to subcontractors, i.e., landscape architectural services, geotechnical services, etc.; or to direct expenses such as plan reproduction, CAD system services, etc.

During the progress of work covered by this agreement, partial payments may be made to the ENGINEER at intervals of one calendar month. The progress billings shall be supported by documentation acceptable to the City Engineer which shall include a project progress report. The report will include progress accomplishments for the previous month, target progress for the next month, budget status, and project schedule for each task. A project bar chart or other suitable progress chart indicating progress on the PROJECT and a record of the time period to complete the work, the time period elapsed, and the time period that remains to complete the work is suitable for a schedule. Billings submitted during the progress of the work will be paid in the same manner set forth above. Accumulated partial payments for the PROJECT shall also be based on achieving milestones in Attachment B and C and shall not exceed eighty-five percent (85%) of the total fees for each task or sub-task until satisfactory completion of the work as required by this agreement.

- B. When requested by the CITY, the ENGINEER will enter into a Supplemental Agreement for additional services related to the PROJECT such as, but not limited to:
1. Consultant or witness for the CITY in any litigation, administrative hearing, or other legal proceedings related to the PROJECT.
  2. Additional design services not covered by the scope of this agreement.
  3. Construction staking, material testing, inspection and administration related to the PROJECT.
  4. A major change in the scope of services for the PROJECT.

If additional work should be necessary, the ENGINEER will be given written notice by the CITY along with a request for an estimate of the increase necessary in the not-to-exceed fee for performance of such additions. No additional work shall be performed nor shall additional compensation be paid except on the basis of a Supplemental Agreement duly entered into by the parties.

#### V. THE PARTIES HERETO MUTUALLY AGREE:

- A. That the right is reserved to the CITY to terminate this agreement at any time, upon written notice, in the event the PROJECT is to be abandoned or indefinitely postponed, or because of the ENGINEER'S inability to proceed with the work.
- B. That the field notes and other pertinent drawings and documents pertaining to the PROJECT shall become the property of the CITY upon completion or termination of the ENGINEER'S services in accordance with this agreement; and there shall be no restriction or limitation on their further use by the CITY. Provided, however, that CITY shall hold ENGINEER harmless from any and all claims, dam-

ages or causes of action which arise out of such further use when such further use is not in connection with the PROJECT.

- C. That the services to be performed by the ENGINEER under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of the CITY.
- D. In the event of unavoidable delays in the progress of the work contemplated by this agreement, reasonable extensions in the time allotted for the work will be granted by the CITY, provided, however, that the ENGINEER shall request extensions, in writing, giving the reasons therefor.
- E. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.
- F. Neither the CITY'S review, approval or acceptance of, nor payment for, any of the work or services required to be performed by the ENGINEER under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of the performance of this agreement.
- G. The rights and remedies of the CITY provided for under this agreement are in addition to any other rights and remedies provided by law.
- H. It is specifically agreed between the parties executing this contract, that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party beneficiary hereunder, or to authorize anyone not a party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this agreement as of the date first written above.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carl Brewer, Mayor

SEAL:

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

AMEC EARTH & ENVIRONMENTAL, INC.

\_\_\_\_\_  
Andrew Clevenger, Business Unit Manager

ATTEST:

\_\_\_\_\_  
Stephen Lee

## Scope of Services

### City of Wichita and Sedgwick County

### Drainage Criteria and Design Manual

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#### **Project Purpose**

AMEC Earth and Environmental, Inc. in cooperation with its team members Cahill & Associates, The Low Impact Development Center and MKEC, (AMEC) proposes the following scope of services to the City of Wichita to develop a regional approach and a uniform set of standards for the City of Wichita (Client) and Sedgwick County to provide guidance and design tools to help reduce the impacts of flooding, to implement stormwater best management practices, and to address the water quality requirements of the state.

The main objective of this project is to update stormwater drainage standards and to develop a countywide Stormwater Technical Guidance Manual. In addition to and in coordination with the manual, revisions and additions will be made to existing stormwater policies and ordinances and the stormwater website. The process of revising and developing stormwater policies, technical guidance criteria and standards, and ordinances will include discussions with and recommendations from a Technical Advisory Committee (TAC). The project will consist of the following tasks:

- Task 1: Development of Technical Guidance Manual
- Task 2: Development of SWPPP Guidelines
- Task 3: Update to Stormwater and Floodplain Ordinances
- Task 4: Update to Stormwater Website
- Task 5: Training and Education

#### **Task 1: Development of Technical Guidance Manual**

The purpose of this task is to develop a manual that includes a new set of countywide policies for stormwater management and technical criteria and guidance for compliance with those policies.

##### **Subtask 1-1: Project Kickoff**

AMEC will begin the project with a review of the City's and County's existing stormwater ordinances and documents. Following this review, we will create a list of the most basic and apparent stormwater program needs and issues that we believe need to be addressed by the new drainage manual. Concurrently, the Client will identify members for the Staff Focus Group and the Technical Advisory Committee.

The Staff Focus Group should be comprised of City and County staff that will work closely with AMEC throughout the execution of this project. This group will have primary responsibility for making final decisions on policy and manual direction and execution. Activities that might be performed by the Staff Focus Group are gathering and providing data, ordinances, or other information; providing insight and a working knowledge of the City and County's policies and



procedures; meeting regularly with AMEC to discuss the details, direction, and progress of the project; reviewing draft language for policies, technical guidance, and ordinances; and coordinating and preparing for meetings with other groups. It is anticipated that this group will meet with AMEC once every other week, in conjunction with TAC group meetings, during the policy-developing phase of the project.

The Technical Advisory Committee (TAC) is an extension of the Staff Focus Group. This group might include the existing Technical Task Force as well as other staff, technical advisors or representatives of other agencies as appropriate. This group will have the responsibility of meeting for the specific purpose of reviewing information provided by AMEC and making recommendations regarding the development of stormwater program policies and the countywide stormwater management manual. This group will provide input on technical stormwater criteria and will help to define key provisions of the county's stormwater management regulations, as deemed necessary by the Staff Focus Group. AMEC will assist in identifying members of this group; however it is the City's responsibility to request participation from the members for this project.

Following the review of existing documents, AMEC will facilitate a project kickoff meeting with key staff. The purposes of the meeting will be to identify and meet with the Staff Focus Group, to review the project's scope, and to discuss expected results and deliverables and staff expectations. In this meeting we will also begin to further develop the dynamic list of needs and issues and categorize them into one of three groups:

- ones that can be easily resolved by AMEC,
- ones that require staff discussion and decision, and
- ones that require TAC discussion and decision.

This list will be used as the basis for resolving ordinance, policy and procedural issues, as well as writing sections of the manual. The list will be a dynamic document, capturing issues as they are identified and closing issues as they are resolved. We will also discuss the general approach and methodology of the intended stormwater management manual through comparison with other similar stormwater programs and guidance manuals.

In addition to an internal kick-off meeting, AMEC will participate in a presentation to the development and engineering community announcing the plans of this project. It is anticipated that this presentation will occur in conjunction with a presentation by Applied Ecological Services (AES) about two demonstration projects planned for the Wichita area that will showcase several of the BMPs expected to be adopted by the City and County during the development of this manual.

#### Deliverables for Subtask 1-1:

- Letter of invitation to Technical Advisory Committee members
- Dynamic list of needs and issues
- Materials for kickoff meeting
- PowerPoint presentation and attendance at community meeting



### **Subtask 1-2: TAC and Staff Meetings**

Following the project kick-off meeting AMEC will develop a list of policies to discuss with the TAC and a roadmap for discussing those policies. After initial contact is made from the City, AMEC will communicate and coordinate meeting times with the group throughout the process. It is anticipated that the meetings will be held on a regular schedule, every other week, beginning in April 2008, for up to twelve (12) meetings. Prior to each meeting, AMEC will provide an agenda and any necessary background information on each policy topic to be read prior to the meeting. Staff is responsible for review of this information and provision of a single set of staff comments within five working days upon receipt of handout, and for dissemination of materials to the TAC members in a timely way prior to the meeting. Our goal is that all dissemination is electronic in nature.

During each TAC meeting, AMEC will present policy topics, policy options or alternatives, comparable policies from other stormwater programs as appropriate, and a recommended approach. AMEC will work with the TAC to reach understanding and informed consent on policy topics.

Immediately following each meeting of the TAC, AMEC will meet with the Staff Focus Group to review recommendations made by the TAC, discuss the issues to be resolved by staff, and revise or add to the issues list as necessary. During these meetings we will also discuss the topics to be covered in the next TAC meeting as well as the progress and direction of the entire project.

For staff and TAC meetings, AMEC will create and provide copies of meeting and presentation materials. AMEC will also facilitate meetings and produce meeting summaries. The Client is responsible for provision of logistical support including: meeting location, refreshments, meeting equipment (i.e. projector, flip chart, markers, etc.), name tags, attendance roster, etc.

After agreement is reached by the appropriate groups – some policies will be decided upon by staff only, some policies will be presented to the TAC and finalized by staff – policy statements will be presented in draft form and finalized prior to using them to guide development of the stormwater management manual (discussed in Subtask 3).

### **Deliverables for Subtask 1-2:**

- Updates to list of needs and issues
- Meeting materials for up to 12 TAC meetings: agendas, presentations, handouts for discussion, meeting summaries, and binders for each TAC group member and staff team member
- Up to 18 policy statements, draft and final
- Brief monthly progress reports will be submitted each month for record keeping purposes

### **Subtask 1-3: Technical Guidance Manual**

The manual will have two volumes – Volume 1, Stormwater Policy and Volume 2, Stormwater Technical Guidance Manual. The manual, developed for the City of Wichita and Sedgwick County, will provide guidelines that reflect the requirements of Kansas Department of Health and Environment (KDHE) and NPDES permits issued to these entities. The manual will reflect policy decisions made under Subtask 1-1 and will provide developers with guidance for drainage design, floodplain development, water quality and post-construction stormwater best management practices (BMPs). The manual will include up to 15 structural or non-structural BMP descriptions, design guidelines, and maintenance requirements. The manual will also include a section that provides guidance for developers to use Better Site Design practices, such as preserving natural features and reducing pavement, which reduce negative impacts on stormwater quality and quantity.

AMEC will work concurrently on draft sections of the Manual as issues are resolved, decisions are made, and policies are finalized throughout the staff and TAC group meetings. The Client is responsible to provide existing documents, data, and information that might aid in production of the manual. The Client is also responsible to provide timely review and one set of final consolidated comments of the draft chapters. The manual will include a limited number of original graphics and there will be no development of new data sets or approaches. Existing graphics will be modified and new ones created where existing graphics do not exist. Data sets and approaches already in use in the nation will be reviewed and modified to fit the City and County's needs.

AMEC will develop this manual closely in accordance with the following outline:

Volume 1: Stormwater Policy

Volume 2: Stormwater Technical Guidance

- 1.0 Forward
- 2.0 Introduction and Purpose
- 3.0 Wichita/Sedgwick County Stormwater History
- 4.0 Stormwater Management Planning and Design
- 5.0 Stormwater Hydrology
- 6.0 Stormwater Drainage System Design
- 7.0 Temporary Stormwater Controls
- 8.0 Structural (Permanent) Stormwater Controls
- 9.0 Water Quality Best Management Practices
- 10.0 Rainfall Tables for Sedgwick County
- 11.0 Soils Information for Sedgwick County
- 12.0 Miscellaneous Specifications
- 13.0 Structural Stormwater Control Design Examples
- 14.0 Structural Control Maintenance Checklists
- 15.0 Landscaping and Aesthetics Guidance for Sedgwick County
- 16.0 Stormwater Computer Models
- 17.0 Other Federal and State Regulatory Requirements

#### Deliverables for Subtask 1-3:

- Two drafts of each chapter of the Stormwater Management Manual (Volumes 1 and 2) in electronic format Microsoft Word™
- Revised Manual, electronic copies in Microsoft Word™ format and five hard copies
- Final Manual, electronic copies in Microsoft Word™ and .pdf formats, 10 hard copies

#### Estimated Fee for Task 1

The estimated fee for Task 1 is \$267,000.

### **Task 2: Stormwater Development Guidelines**

The purpose of this task is to define stormwater development guidelines for the City of Wichita.

#### **Subtask 2-1: Stormwater Development Guidelines Document**

AMEC will meet with key Client staff to determine expectations and identify existing standards for use in the creation of a Stormwater Development Guidelines document. This document will provide guidelines that are in compliance with Kansas Department of Health and Environment (KDHE) erosion and sediment control standards and the NPDES permit issued to the Client. The document will provide developers with guidance on the plan submittal process, information that must be submitted on drainage plans with regard to pollution prevention, construction BMP designs, an example design, and proper planning for stormwater pollution prevention during construction. It is assumed that the document will follow EPA guidelines and will reference existing erosion and sediment control standards for the State or a comparable stormwater program selected by the Client.

These guidelines will closely follow the outline provided below:

- 1.0 Stormwater Checklist
  - 1.1 Time of Platting
  - 1.2 Preliminary Plans
  - 1.3 Final Plans
- 2.0 Standard Stormwater Pollution Prevention Plan Format
- 3.0 General Plan Submittal Process
- 4.0 Required Stormwater and Drainage Plan Sheet Information
- 5.0 Standard Stormwater and Drainage Bid Items
- 6.0 Typical General Notes for Stormwater and Drainage Projects
- 7.0 Standard Stormwater and Drainage Details
- 8.0 As-built Requirements

#### Deliverables for Subtask 2-1:

- Draft Stormwater Development Guidelines, electronic copies in Microsoft Word™ format
- Revised Stormwater Development Guidelines, electronic copies in Microsoft Word™ format and two hard copies
- Final Stormwater Development Guidelines, electronic copies in Microsoft Word™ and .pdf formats, 5 hard copies

#### Assumptions for Task 2:

- AMEC assumes the CAD time required for this task will be limited to 3 weeks (120 hours).

#### **Subtask 2-2: Development Review Tools**

The development review tools will assist developers and staff with calculations or review of calculations based on City requirements and recommendations. We will prepare "smart" spreadsheets or forms to assist in the calculation of the time of concentration and curb and area inlet sizing.

AMEC will also modify our previously created tool for water quality review as needed (see assumptions below) to meet the City's needs and provide the City with the tool. Unique features built into the water quality tool allow developers and City plans reviewers to quickly and easily determine if the controls selected for use on the site will be able to meet water quality requirements for post-construction. Because pre-approved BMPs and their respective pollutant reduction capabilities will be contained within the tool, site-specific exceptions will be limited, thereby relieving the City of time-consuming reviews and negotiations with developers.

These tools and spreadsheets will be developed as web-based applications for operation and access on the City's public website (see Subtask 4-6). The water quality review tool is copyright of AMEC Earth and Environmental, Inc. (AMEC) and is intended solely for the purpose of assessing the water quality benefits of structural and non-structural best management practices in Wichita, Kansas. AMEC will grant the City of Wichita the right to use and distribute the program for the purpose it was intended.

#### Deliverables for Subtask 2-2:

- Design Specifications Documentation
- Curb and area inlet sizing spreadsheet, excel format
- Time of concentration generator spreadsheet, excel format
- Modifications to AMEC's web-based site development review tool

#### Assumptions for Subtask 2-2:

- AMEC's existing Water Quality Review Tool will be modified to meet the City's needs given that these needs require no more than 100 hours of software development to be implemented. Specific requirements will be agreed upon in the Kickoff Meeting and will be detailed in the Project Plan or a separate Design Specifications Document.

#### **Estimated Fee for Task 2**

The estimated fee for Task 2 is \$51,500.



### **Task 3: Update to Stormwater and Floodplain Ordinances**

The purpose of this task is to modify or develop regulatory language necessary to implement the newly created policies and technical criteria in the stormwater, floodplain, and subdivision regulations and/or ordinances. AMEC will work to revise ordinances in conjunction with the draft manual review and revisions process. AMEC will prepare these documents in Resolution and City Code format for the Client. For each ordinance developed or modified for the City or County, AMEC will develop one additional model ordinance that can be adopted by other communities in the region. We expect to have up to 3 meetings with staff, the TAC, or other advisory boards to discuss or present the ordinance language. It is the responsibility of the City and County to perform timely reviews of the ordinances, consolidate comments, and coordinate with the appropriate groups for meetings, presentations, readings, and adoption. AMEC will prepare presentations to be used at meetings.

#### **Deliverables for Task 3**

- Two drafts of each ordinance in County Resolution, City Code, and Model format
- Final version of ordinance in County Resolution, City Code, and Model format

#### **Estimated Fee for Task 3**

The estimated fee for Task 3 is \$40,000

### **Task 4: Update to Stormwater Website**

The purpose of this task is to update the City of Wichita's Stormwater Utility Website.

#### **Subtask 4-1: Kickoff**

AMEC will attend a half day kickoff meeting with the City to review the items contained within Task 4. It is expected that AMEC will review their technology project methodology, roles and responsibilities, and develop a list of action items with deadlines in this kickoff meeting. City IT staff should attend so as to be involved in system architecture and project goal discussions.

#### **Deliverables for Subtask 4-1:**

- Summary of meeting minutes
- Enhancement to the AMEC project plan
- Overview Solution Documentation

#### **Subtask 4-2: Watershed Management (Education)**

AMEC will develop, and implement into the Wichita Stormwater Utility Website, a collection of web pages associated with watersheds for the purpose of raising public awareness. Each watershed will be given a webpage populated with information about that specific watershed including:

- Watershed History
- Photos
- Links to current and completed projects



It will be the responsibility of the City to provide the content for the web pages including; project descriptions, watershed history, and photographs to be used on the website. Designated City staff will have access to change the history and photos on the site after production implementation. Users will have the option to view the Watershed; this feature will call the existing City's GIS mapping site and pass it the extent needed to zoom to the specified watershed.

#### Deliverables for Subtask 4-2:

- Proposed webpage/website mockups
- Watershed Information Pages
- Implementation on City Systems with final installation

#### Assumptions for Subtask 4-2:

- The City of Wichita's GIS infrastructure will be used to host this application and the required GIS data. This infrastructure will support Microsoft Windows Server and ESRI 9.2 products.
- The City will supply AMEC with the information needed to call or pass parameters to the existing City of Wichita GIS site.
- Application development will take place at AMEC offices, and AMEC staff will work at the City for final implementation of the entire task.
- Project information for the watershed portion will be managed by a different system. It will not be the responsibility of this system to maintain and make editable the project data, only links to project data.

#### **Subtask 4-3: Engineering and Design**

AMEC will develop an Engineering and Design section for the website that will allow specified City staff to upload documents for public consumption. Documents that will be available in this portion will be a Stormwater Technical Guidance Manual, Development Review Tool (further explained below), and CAD and PDF standard detail documents.

The Engineering and Design task also includes the creation of a digital drainage plan submittal form, based on current City forms, which will allow developers to submit drainage plans to the city for review. These plans will be time stamped and stored in a database for records. Specified City staff will also receive email notifications when plans have been submitted.

#### Deliverables for Subtask 4-3:

- Proposed plan submittal workflow
- Plans submittal system on City site
- Implementation on City Systems with final installation



#### Assumptions for Subtask 4-3:

- The design plan submittal system will not perform a technical review of the submitted plans.
- The City will define a range of values for data entry fields that will be validated.
- The City's web environment has the ability to send SMTP messages.
- The City will access submitted plans via traditional desktop software such as Excel, AutoCAD or Adobe, and not through the proposed submittal system.
- The City, not the submittal system, will manage the lifecycle of drainage plans.
- The City's server has sufficient size to store the uploaded files.

#### Subtask 4-4: Live River Levels and Rainfall Information

AMEC will develop a means for users to view live or near-live river levels and rainfall information on the website. AMEC understands that this information is collected and managed by a product called DataWise, which is a third party application. The website will allow the user to view the river levels data via a tabular interface as well as spatially on the City's GIS mapping website.

#### Deliverables for Subtask 4-4:

- Application Architecture Documentation
- Mapping interface Mockup
- Map based visualization tool containing live/near-live river level information.
- Implementation on City Systems with final installation

#### Assumptions for Subtask 4-4:

- The City of Wichita's GIS infrastructure will be used to host this application and required GIS data. This infrastructure needs to support Microsoft Windows Server.
- DataWise is owned and operated by the City and will accommodate a direct data connection (read-only) from the Web Server.
- The City will supply AMEC with the information needed to call or pass parameters to the existing City of Wichita GIS site.
- Application development will take place at AMEC offices, and AMEC staff will work at the City for final implementation of the entire task.

#### Subtask 4-5: Additional Web Development

In addition to the specific requirements in the other subtasks, AMEC will integrate into the Wichita Stormwater Utility Website additional web pages such as:

- Links Page, which will allow for specified city staff to add and remove links. This page will be accessible by all users; however it may only be edited by site administrators.
- Editable General Information Page, which will contain information about the stormwater services the City provides, including stormwater billing information, rates, and a description of the Floodplain Management Task Force.

**Deliverables for Subtask 4-5:**

- Links and General Information webpage mockups
- Additional Pages
- Information Integration
- Implementation to City Systems with final installation

**Assumptions for Subtask 4-5:**

- It will be the responsibility of the City to provide the content of this information and to define where this information will be displayed.
- Two pages will be created 1 links page and 1 General Information page.

**Subtask 4-6: Development Review Tools**

The tools and spreadsheets discussed in Subtask 2-2 will be developed as web-based applications for operation and access on the City's public website. The water quality review tool is copyright of AMEC Earth and Environmental, Inc. (AMEC) and is intended solely for the purpose of assessing the water quality benefits of structural and non-structural best management practices in Wichita, Kansas. AMEC will grant the City of Wichita the right to use and distribute the programs for the purposes they are intended.

**Deliverables for Subtask 4-6:**

- Implementation of spreadsheets and tool to City systems with final installation

**Task Level Assumptions**

In proposing this approach, AMEC has made the following assumptions:

- AMEC will perform an on-site installation after the site has been reviewed and modified as per City comments. Certain features, such as viewing river levels, may be unavailable from AMEC servers during the initial review due to networking limitations.
- Remote application support for all AMEC developed applications will be available to the City for up to 30 days after deployment of the new website components.
- Website source code will be delivered to the City of Wichita.
- The City determined it maintains the ability in-house to develop and upload the Floodplain Determination Query Tool and will not require Consultant services for this activity.
- AMEC will construct the website to conform to "Section 508 standards."
- AMEC will be given VPN access to the City's production systems for deployment and Acceptance testing.
- The City's System Architecture supports Microsoft Windows Server Technologies (Windows Server 2000 or 2003) and ASP.NET.
- The City has available a Database Management System such as SQL Server 2000/2005, Oracle or MySQL for storing database driven website data. The Web Server hosting the web site will need to be able to connect to this database.





#### **Estimated Schedule for Task 4**

Website tools and information will be beta on AMEC servers 150 days from delivery of required data and access to live DataWise. Information will be deployed on the City's servers within 60 days from when beta review comments are received.

#### **Estimated Fee for Task 4**

The estimated fee for Task 4 is 58,000.

### **Task 5: Training and Education**

The purpose of this task is to educate the local community on the importance of responsible stormwater management and the new stormwater management criteria.

#### **Subtask 5-1: Local Development Community Training**

AMEC will provide one full day of training on the new technical criteria and policies, revised ordinances and policies, and site review checklists and tool to staff and a second full day of training for local developers and engineers. Six months after the first training, AMEC will provide another full day of training to developers, engineers, and/or field personnel. It is recommended that staff provide portions of the training, however AMEC will be capable of providing this training if necessary.

AMEC will facilitate training and provide a draft and final version of the training presentation. The Client is responsible for provision of key logistical support including: training location, refreshments, training equipment (i.e. projector, flip chart, markers, etc.), name tags, attendance roster. It will be the responsibility of the Client to print and distribute new manuals to training attendees.

#### **Deliverables for Subtask 5-1:**

- 2 versions of a training presentation, training facilitation.

#### **Subtask 5-2: General Public Education**

In addition to training, AMEC will provide an educational graphical presentation with a narrative voiceover for use on the local cable channel and the stormwater website. The purpose of this presentation is to educate the citizens of Wichita and Sedgwick County on stormwater quality, the steps the Client takes to improve stormwater quality and the steps that can be taken by citizens of the area to improve stormwater quality. It is anticipated that this presentation be no longer than 10 minutes and will be simple in nature, such as scrolling images with voiceover.

#### **Deliverables for Subtask 5-2:**

- 10 minute educational presentation with narrative.

#### **Estimated Fee for Task 5**

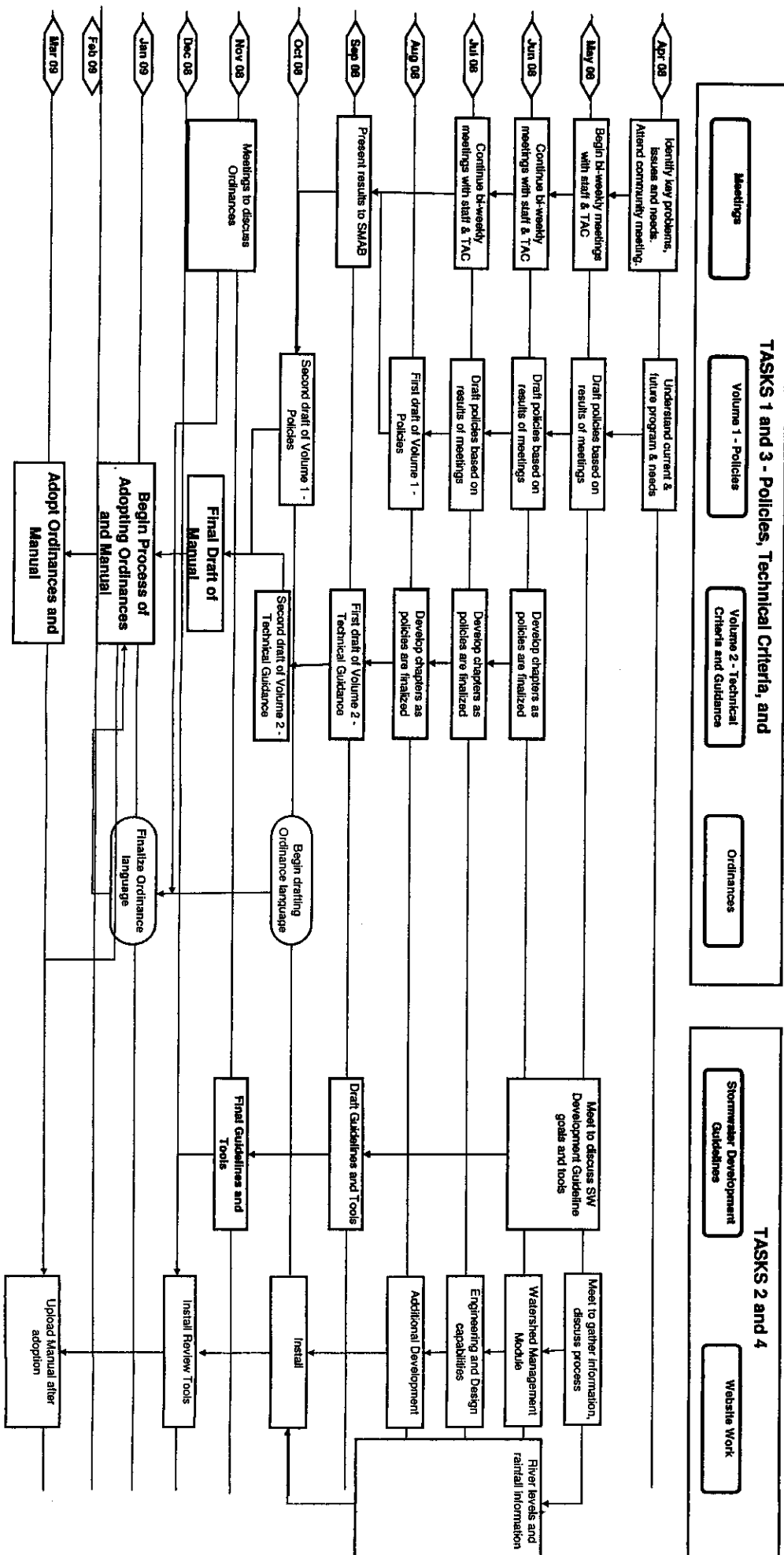
The estimated fee for Task 5 is \$20,000.

### **Total Project Fee**

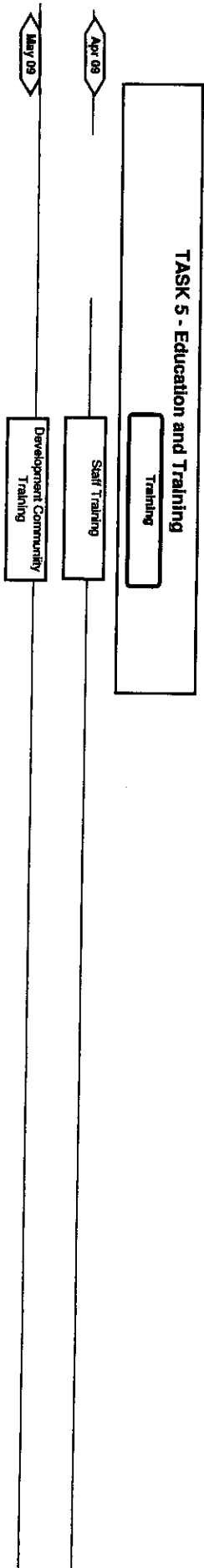
AMEC estimates the total fee for this project to be \$436,500. To break this down further, the tasks relating to development of stormwater management ordinances, policies, and technical guidance is \$378,500, and the tasks relating to website development is \$58,000. This project will be executed on a time and materials basis (cost plus not to exceed). If AMEC is required to provide unanticipated or out-of-scope services, AMEC will contact the City prior to initiation of the additional services to discuss a modification to the scope.

# Attachment B

## City of Wichita and Sedgewick County, Kansas Process for Developing Design Criteria Manual, SWPPP Guidelines, and Website Update



City of Wichita and Sedgewick County, Kansas  
Process for Developing Design Criteria Manual, SWPPP Guidelines, and Website Update



## Staff Hour Estimate

The table below contains a summary of our staff hour estimate indicating how many hours are projected to complete the work outlined in our project approach, Tasks 1 through 5. AMEC can provide these services on a cost plus not to exceed basis for each task (plus reimbursement for approved direct expenses) for a fee of **\$436,500**.

| Task         | Time         |
|--------------|--------------|
| 1            | 2,100        |
| 2            | 440          |
| 3            | 215          |
| 4            | 600          |
| 5            | 145          |
| <b>TOTAL</b> | <b>3,500</b> |

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Countywide Stormwater Management Manual (All Districts)

**INITIATED BY:** Department of Public Works

**AGENDA:** New Business

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**Recommendation:** Approve the Joint Funding Agreement, design Agreement, and Resolution.

**Background:** In 2005, the City Manager and County Manager formed the Floodplain Management Task Force with a charge to evaluate current policy and practice of regulating development within floodplains and to make recommendations of any needed change in policy and practice to the Sedgwick County Board of Commissioners and Wichita City Council. In developing recommendations, the Task Force incorporated concerns regarding development within floodplains and the reduction of present and future flood hazards. Business, environmental, and neighborhood interests were taken into account. After deliberation, the Floodplain Management Task Force determined one of the short-term initiatives was to develop a stormwater management manual and floodplain development standards.

The Floodplain Management Task Force determined that floodplain management issues are linked to and affected by drainage issues, and must be evaluated and dealt with using a comprehensive approach. Uniform drainage standards are needed for many reasons. Communities in downstream locations, especially at the confluence of major rivers, cannot control development from other upstream jurisdictions within the watershed, which are affecting their level of vulnerability to flooding. A regional approach is needed to resolve a regional problem. If the problem is just pushed from one jurisdiction to the next, then the problem will never get resolved, and the problems downstream will only magnify. The Floodplain Management Task Force recommended the development of a stormwater management manual that is applicable for all municipalities in Sedgwick County, and potentially any other jurisdictions within the watersheds affecting Sedgwick County. The intent behind the development of a stormwater management manual is to ensure uniformity in drainage standards and approaches used throughout the County, to ensure that each jurisdiction takes an appropriate level of responsibility for its actions, and to simplify the process among the development community by using one stormwater management manual applicable for all municipalities in Sedgwick County.

In 2007, the Kansas Department of Health and Environment (KDHE) issued the City of Wichita a new Stormwater Discharge Permit as authorized under EPA's National Pollutant Discharge Elimination System (NPDES). The new permit requires the City to implement and enforce a Stormwater Management Program that includes Best Management Practices (BMPs), which will reduce pollutants in stormwater runoff. One of the major compliance requirements for this new permit is the development of new standards for post-construction stormwater management in new development and redevelopment.

**Analysis:** The City of Wichita currently uses an interim stormwater design manual that was published in 1987 and does not include development and construction site requirements to control pollutants in stormwater runoff. Changes in technology, building codes, regulatory requirements, and land development practices require modification of the current stormwater design manual, which is used by the City, County, and private engineers for developments in our communities. KDHE has given the City of

Wichita a deadline of two years from October 1, 2007 to attenuate the discharge of regulated pollutants and initiate permanent BMP requirements in new developments.

The Floodplain Management Task Force recommended the City of Wichita and Sedgwick County to jointly fund a Countywide Stormwater Manual that would allow all communities in Sedgwick County to adopt and use the new manual when completed. The Sedgwick County Board of Commissioners has since created the Stormwater Management Advisory Board (SMAB). The SMAB is expected to appoint a Technical Advisory Committee on May 7, 2008 to help review the development of the countywide stormwater management manual.

**Financial Considerations:** The Staff Screening and Selection Committee selected AMEC to develop the Countywide Stormwater Management Manual on January 18, 2008. Payment to AMEC will be a not to exceed amount of \$436,500, and will be shared evenly between Sedgwick County and the City of Wichita. The Agreements require the City's Stormwater Utility to pay \$218,250 for consulting fees with the remaining funds to be paid by Sedgwick County. This project is included in the 2007-2016 Adopted CIP, with \$250,000 programmed in 2008 for the city's share. Sedgwick County will reimburse the City for their share as stated in the joint funding agreement.

**Goal Impact:** The information received will help in providing a safe and secure community by ensuring our community's stormwater and flood plain development standards will prevent existing structures from being more susceptible to damage and reduce runoff pollutants to our creeks and rivers.

**Legal Considerations:** The Agreements and Resolution have been approved as to legal form by the Law Department.

**Recommendations/Actions:** It is recommended the City Council approve the Joint Funding Agreement, design agreement, resolution and authorize the necessary signatures.

**Attachments:** Joint Funding Agreement, Design Agreement, Resolution and CIP Sheet

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council

**SUBJECT:** Quarterly Financial Report for the quarter ending March 31, 2008

**INITIATED BY:** Department of Finance

**AGENDA:** New Business

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**Recommendation:** Receive and file the quarterly financial report.

**Background:** The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds. The report is presented to provide the City Council and citizens with information that will assist in making informed decisions. The report is available on the City's web-site and citizens may obtain a printed copy by contacting the Department of Finance at 268-4651.

**Analysis:** Comparisons of budgeted amounts to actual revenue and expenditures are provided for each operating fund. In addition, financial statements prepared on an accrual basis are presented for enterprise funds, consistent with requirements of revenue bond covenants. The quarterly financial report does not contain all the entries and adjustments that will be reflected in the Comprehensive Annual Financial Report for fiscal 2008.

Financial highlights are summarized beginning on page iii, with financial statements beginning on page 1. Information supplementary to the financial statements begins on page 61, including information on the performance of invested funds, the City's bonded indebtedness relative to the legal debt limitations, capital projects currently underway, tax abatements, the status of the Debt Service fund relative to any debt service payments due from the tax increment financing districts, and a quarterly summary of disadvantaged and emerging business activity.

**Financial Considerations:** The Director of Finance will provide a financial overview and stand for questions.

**Goal Impact:** The Internal Perspective is advanced with the Quarterly Financial Report providing information on the financial condition of City to the City Council, to the Citizens of Wichita and to investors. In addition, the report demonstrates budgetary compliance with applicable laws and ordinances for the reporting year.

**Legal Considerations:** No consideration necessary.

**Recommendations/Actions:** It is recommended that the City Council receive and file the Quarterly Financial Report for the quarter ended March 31, 2008.





## INTEROFFICE MEMORANDUM

**TO:** Metropolitan Area Planning Commission Members  
Mayor and Wichita City Council Members

**FROM:** Terri Dozal, District VI Neighborhood Assistant

**SUBJECT:** CUP2008-00005-ZON2008-00007 2626 W. Keywest Community Unit Plan creation with a re-zone for a multi-use development, generally located south of N. 53<sup>rd</sup> St. and west of N. Meridian Ave.

**DATE:** March 17, 2008

On Monday, March 3, 2008 the District VI Advisory Board (DAB) considered a Zone change from "SF-5" Single-family Residential to Create DP-311 the Moorings Plaza II Commercial and Residential Community Unit Plan; zone change to "LC" Limited Commercial, "NR" Neighborhood Retail, "NO" Neighborhood Office and "MF-18" Multi-family Residential. Bill Longnecker, Planner presented the case background and reviewed the staff recommendation with members and the public.

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to recommend Denial (8-1) of request as presented today due to concerns of commercial development and multi-family residential adjacent to the present residential area.

### Board Members questions/concerns included:

- Reserve A: who will be responsible for maintenance of area?
- The deceleration lane from Meridian to Keywest will there be one?
- How much masonry wall will there be and how far back from the solid wall to allow for a buffer from residents back yard?
- Are there apartments planned for now?
- On the South side of Keywest, are there plans to leave an opening? Keywest has enough traffic.
- Is there to be a sidewalk along Keywest?
- Any new platting for the utilities to go underground.
- Is the wall easement to be 5 ft?
- Concern about the positioning of lights, the illumination will be looking down at whatever is going to be on the other side of fence.
- Parcel 2 with limited commercial (LC) there is no need for this area. Wal-Mart is considered as LC already. There is a need for neighborhood commercial (NO) but not for a Lowe's or other large store.

### Members of the public comments/concerns:

- ✓ I just bought my home, can this be put into writing what he plans to put in.
- ✓ I moved here two years ago due to no retail and I'm concerned there is no access off of Keywest and for the neighborhood kids.
- ✓ What about the height of incoming properties? Whatever Kurt does will probably be done well. We don't want this like south of the Moorings with commercial property all up and down Meridian.

- ✓ The traffic flow could go off of Keywest and extend 51<sup>st</sup> street straight across for multi-family residential. Also you could put a traffic light at 51<sup>st</sup> near the new residential area. This would help with the traffic going to Camp Hiawatha.
- ✓ I will be across the street from the retail, how much light will there be? I asked for berms to be built higher and nothing ever happened. I want a commitment that they will do what they say.
- ✓ How many acres for MF-18-renters? It's okay to have but I don't want them as neighbors.
- ✓ If they build assisted living homes get used to ambulances and delivery trucks. I paid too much money for my home to now have this.
- ✓ I don't want to look at the back of neighborhood offices-retail and assisted living facilities are not well maintained.
- ✓ We feel we can't fight city hall.
- ✓ I feel like why should we listen to any governing board to approve this. I won't take this lying down.
- ✓ I'm concerned about the value of our homes. This has been a quiet-safe area and now you want to bring in strangers we don't know.

Please review this information when CUP2008-00005-ZON2008-00007 is considered.

MTD



## INTEROFFICE MEMORANDUM

**TO:** Metropolitan Area Planning Commission Members

**FROM:** Terri Dozal, District VI Neighborhood Assistant

**SUBJECT:** CUP2008-00005-ZON2008-00007 2626 W. Create DP-311 the Moorings Plaza II Commercial and Residential Community Unit Plan; zone change to LC Limited Commercial and NR Neighborhood Retail Generally located south of 53rd Street North and west of North Meridian Avenue.

**DATE:** April 10, 2008

On Monday, April 7, 2008 the District VI Advisory Board (DAB) again considered a Zone change from “SF-5” Single-family Residential to Create DP-311 the Moorings Plaza II Commercial and Residential Community Unit Plan; zone change to LC Limited Commercial and NR Neighborhood Retail generally located south of 53rd Street North and west of North Meridian Avenue. This case was presented at the DAB VI on March 3, 2008. Dale Miller, Planner presented the case background and reviewed the staff recommendation with members and the public.

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to recommend Approval (7-2) to the City Council of the zone change request and CUP as presented per staff recommendations and to leave in condition #1 under the Community Unit Plan DP-311 pertaining to the decel lanes.

Gene Rath, agent for the applicant stated several changes have been made from the previous presentation on March 3<sup>rd</sup>. Rath said the applicant was in agreement with the staff report but would like to remove condition #1 from the CUP (DP-311) conditions.

**Board Members** questions/concerns included:

- Using the phrase “NR” does this mean it limits the size of the facility?
- I have concerns about the sq.ft.
- Does the applicant have a problem with the change in condition #1 of the CIP?
- Due to an increase in traffic going to the new Wal-Mart we need to keep the decel lanes in the CUP.

Seven (7) members of the public comments/concerns follow:

- We don’t want neighborhood retail in our area. We need a sign of good faith as to what the builders say they will do will take place. No surprises.
- Unless the sq.ft. has been modified the size of the buildings on the maps noted are too large for the zoning.
- We would compromise and have only one-story neighborhood office.
- I purchased my home here because there was **no** retail.
- Opposed to all developments as it decreases our property value.
- I’m concerned that if this property is sold to someone else they could come back saying they want neighborhood retail. They could build a pizza or ice-cream store and we don’t want that here.

A health care consultant for a dentist said they have looked at the property and are very interested in opening a medical boutique. The facility would be developed in good taste.

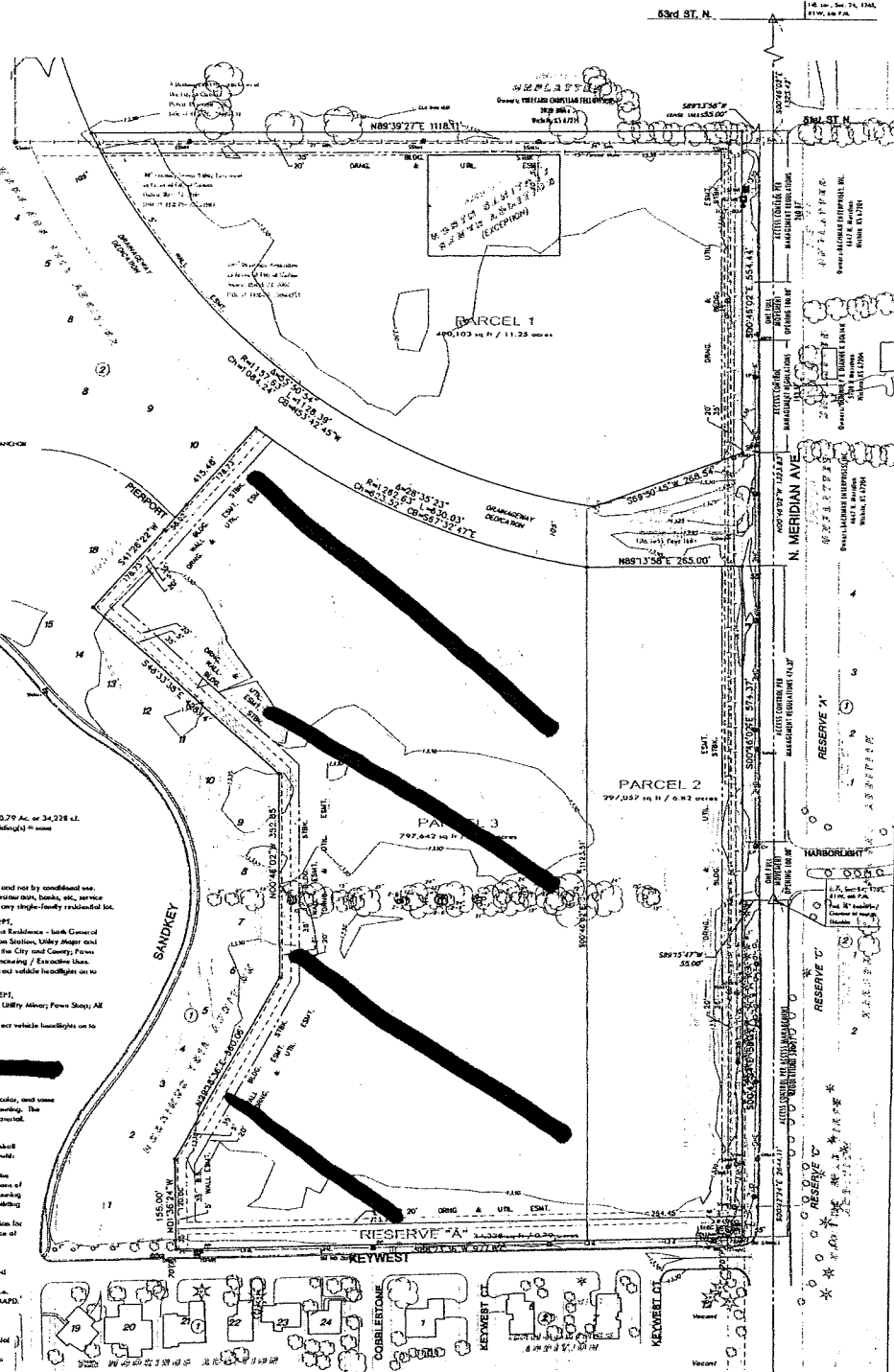
One member of the public stated she had good faith in what ever the Bachman’s developed like the Moorings. Also she was in favor of a medical office.

Please review this information when CUP2008-00005-ZON2008-00007 is considered.

MTD



- ## General Provisions



## EXCERPT OF THE APRIL 10, 2008 MAPC HEARING

**Case No.: CUP2008-05/ZON2008-07** Deferred from 3-13-2008 MAPC Meeting – CBB Northlakes, LLC, Attn: Kurt and Brad Bachman (Owners); MKEC Engineering, Consultant c/o Brian Lindebak (Agent) request the creation of a city Community Unit Plan with a rezone for multi-use development on property described as:

A tract of land lying in the West Half of Section 24, Township 26 South, Range 1 West, of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

A tract of land lying in the West Half of Section 24, Township 26 South, Range 1 West, of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 24, thence on a Kansas coordinate system of 1983 south zone grid bearing of S89°15'47"W, 55.00 feet to the POINT OF BEGINNING, thence parallel with and 55.00 feet west of the east line of said Southeast Quarter S00°42'24"E, 580.27 feet to the north line of Key West Street right-of-way; thence along the north line of said Key West Street right-of-way, S88°23'36"W, 977.67 feet to the southeast corner of Lot 1, Block 1, The Moorings Tenth Addition, an addition to Wichita, Sedgwick County, Kansas; thence along an easterly line of said Block 1 for the next five courses, N01°36'24"W, 155.00 feet; thence N29°18'36"E, 360.06 feet; thence N00°46'02"W, 352.85 feet; thence N48°33'38"W, 428.14 feet; thence N41°26'22"E, 415.48 feet to a point on the south line of a 105.00 foot drainage-way dedication said point being on a curve to the left, thence along said to the left having a radius of 1262.63 feet, a central angle of 28°35'23", a tangent length of 321.72 feet, the long chord of which bears S67°32'47"E for a distance of 623.52 feet with a radial line in of N36°44'54"E and a radial line out of S08°09'31"W for an arc length of 630.03 feet to a point; thence N89°13'58"E, 265.00 feet to a point lying 55.00 feet west of the East line of said Northwest Quarter; thence parallel with and 55.00 feet west of said East line, S00°46'02"E, 574.37 feet to the POINT OF BEGINNING.

TOGETHER WITH,

COMMENCING at the East Quarter corner of said Section 24, thence on a Kansas coordinate system of 1983 south zone grid bearing and along the East line of the Northeast Quarter, said Section 24 of N00°46'02"W, 769.39 feet; thence S89°13'58"W, 55.00 feet to the POINT OF BEGINNING, thence S69°30'45"W, 268.54 feet to a northerly corner of a 105.00 foot drainage-way dedication said point being on a curve to the right, thence along said curve to the right having a radius of 1157.63 feet, a central angle of 55°50'54", a tangent length of 613.56 feet, the long chord of which bears N53°42'45"W for a distance of 1084.24 feet with a radial line in of N08°21'47"E and a radial line out of S64°12'42"W for an arc length of 1128.39 feet to a point on the south line of the Northeast Quarter of the Northeast Quarter of said Section 24; thence along said south line of the Northeast Quarter of the Northeast Quarter, said Section 24, N89°39'27"E, 1118.11 feet to a point lying 55.00 feet west of the east line of said Northeast Quarter; thence parallel with and 55.00 feet west of said east line, S00°46'02"E, 554.44 feet to the POINT OF BEGINNING, EXCEPT, Lot 1, Block 1, North Sanitary Sewer Addition, Wichita, Sedgwick County, Kansas. Generally located South of N. 53rd St. and west of N. Meridian Ave.

**BACKGROUND:** The applicant proposes to create a commercial and office Community Unit Plan containing approximately 18.07 acres with two parcels located approximately one-quarter mile south of the intersection of 53<sup>rd</sup> Street North and North Meridian Avenue. (The initial application included a Parcel 3, containing 18.31 acres that permitted MF-18 Multi-family Residential (“MF-18”) and Neighborhood Office (“NO”) uses. Parcel 3 has been deleted from this request.) The application area is currently zoned SF-5 Single-family Residential (“SF-5”).

Parcel 1 (11.25 acres) is located along Meridian Avenue, 1,323 feet south of the intersection of 53<sup>rd</sup> and Meridian; the proposed zoning being LC Limited Commercial (“LC”), except: group residence, general and limited; correctional placement residence, general and limited; recycling collection station, private; utility, major and minor; heliport, kennel, boarding and breeding and training; night club in the city and county; pawn shop, sexually oriented business, cemetery, all industrial, manufacturing and extractive uses. Queuing for drive-through lanes shall not direct vehicle headlights onto single-family lots. Parcel 1 is also located just north of a proposed drainage-way dedication. Parcel 1 is contiguous to the City of Wichita’s existing sanitary sewer lift station on three sides.

Parcel 2 (6.82 acres) is also situated along Meridian Avenue, but south of the proposed drainage-way and north of Keywest Street. Proposed zoning for Parcel 2 is NR Neighborhood Retail (“NR”) except: group residence, limited; correctional placement limited; utility, minor; pawn shop; all industrial, manufacturing and extractive uses; all uses permitted in the MF-18 Multi-family Residential (“MF-18”) zone district and animal care, limited. Queuing for drive-through lanes shall not direct vehicle headlights on to single-family lots.

Reserve A (0.79 acres) is situated between Parcels 2 and 3 to the north and Keywest Street to the south. Reserve A is designated for open space, screening, sidewalks, berms, landscaping, irrigation and utilities confined by easements. The reserve initially allowed for two (2) possible accesses, one through to Parcel 2 and one for Parcel 3, connecting with Keywest Street. The access point from Keywest to the now deleted Parcel 3 has been eliminated from General Provision 14.

In any parcel, drive-through or in car service (for restaurants, banks, etc, service station, fuel outlets or gas pumps) shall not be permitted within 200 feet of any single-family residential lot.

The proposed zoning pattern would confine the more intensive uses to Parcel 1 in the northern part of the CUP, away from any large concentration of single-family residences and buffered from the rest of the CUP by a 105-foot drainageway easement. The uses permitted by the CUP are only those uses permitted by right and not by conditional use.

The CUP has a maximum building coverage of 30 percent, maximum gross floor area of 35 percent and a maximum building height of 35 feet. The buildings would have uniform architectural compatibility and share similar lighting elements, with a maximum height of 25 feet for the light poles, except 15 feet when within 100 feet of residential zoning or residential uses, and share a similar landscape palette. The CUP requires internal circulation among parcels and cross-lot circulation.

All parcels are subject to the requirements of the Sign Code for the City of Wichita for the LC zoning district. Freestanding signs would be monument style with shared elements and a maximum height of 25 feet. The recommendation for the sign plan is to keep the amount of signage within the range of the 0.8 x linear frontage for LC on North Meridian Avenue. No signs will be allowed along Keywest Street and no lighted signs shall be allowed to face the single-family residential lots to the south and or west. Flashing signs (except time, temperature, public service messages) moving, portable, billboard and off-site signs are prohibited. A six to eight foot high masonry wall is designated along the west, northwest and north property lines adjoining SF-20 and SF-5 zoning.

Currently, the property to the north of Parcel 1 is zoned SF-20 Single-family Residential (“SF-20”), owned by a church and is vacant farmland. The property to the south of Parcel 2 is zoned SF-5 and is developed with single-family residences. The property located east of the proposed CUP, along north Meridian Avenue, is developed with single-family residences or is farmland and zoned SF-5. The land to the west (now the deleted Parcel 3) is vacant and also zoned SF-5.

The proposed CUP is located  $\frac{3}{4}$  of a mile from both the Little Arkansas and the Big Arkansas Rivers. The proposed CUP is located in the flood hazard zone “X.” Zone X is the flood insurance rate zone that corresponds to areas outside the 100-year floodplains, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone.

**CASE HISTORY:** The entire application area is currently unplatted and undeveloped. The southern 1/3 of the application was approved for a CUP, The Moorings Community Unit Plan (CUP DP-78), on January 11, 1983. The particular portion of The Moorings CUP that is within the current application is currently vacant and has not been developed. The southern half of this proposed CUP was also approved to permit sand and gravel extraction through the Board of Zoning Appeals on June 26, 1990. At this time, the area of the proposed CUP is vacant with no signs of extraction or any other developments.

**ADJACENT ZONING AND LAND USE:**

|        |                                   |                          |
|--------|-----------------------------------|--------------------------|
| NORTH: | “SF-20” Single-family Residential | Vacant Agricultural Land |
| EAST:  | “SF-5” Single-family Residential  | Single-family residences |
| SOUTH: | “SF-5” Single-family Residential  | Single-family residences |
| WEST:  | “SF-5” Single-family Residential  | Single-family residences |

**PUBLIC SERVICES:** North Meridian Avenue is classified as a 4-lane, paved principal arterial street. 53<sup>rd</sup> Street North, west of Meridian, is a paved 2-lane collector street, while 53<sup>rd</sup> Street North east of Meridian, is a paved 4-lane minor arterial. Keywest Street is a paved 2-lane collector street. The half-street right-of-way for southbound Meridian along the east property line of the proposed CUP is 55-feet, except along the south 260 feet of the east property line where the half right-of-way is 50-feet. A 120-foot right-of-way is the standard for section line and arterial roads, equating to a 60-foot half-street right-of-way. There will need to be a dedication of right-of-way along the east property line during the time of platting.

Traffic counts, according to the Average Daily Traffic Count Map revised in May 2007, counted traffic on north Meridian, at the intersection with 53<sup>rd</sup> Street North at 17,273 ADT's (Average Daily Trips). Traffic counts along 53<sup>rd</sup> Street North, at the intersection with north Meridian Avenue are 9,897 ADT's. The mid-mile traffic count for north Meridian Avenue, between 53<sup>rd</sup> Street North and I-235 is 11,551 ADT's, while the count at the intersection of Meridian and I-235 is 22,659 ADT's.

Proposed access into the CUP follows access management guidelines, consisting of two full movement openings onto North Meridian Avenue, and one possible full movement openings onto Keywest Street, through Reserve A of the proposed CUP. Of the two full movement openings accessing north Meridian Avenue, one access to Parcel 2, will align with Harborlight Street, which accesses the Harbor Isle Second Addition. The second opening into Parcel 1 is proposed to be located across from unplatted property located south of the intersection of north Meridian Avenue and 51<sup>st</sup> St. North. The possible opening along the south side of the Parcel 2 would be located along the east 250-feet of the south property line.

Municipal services are available to the site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide, Map as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “urban residential.” The CUP and proposed zoning does not entirely conform to the future Land Use Guide Map due to the proposed commercial zoning. However, Parcel 1 of the proposed CUP could be developed with single-family or duplex uses as those residential uses would be permitted uses per the proposed CUP. The proposed changes to Parcel 2, which prohibits all uses permitted in the MF-18 district, would now exclude single-family or duplex uses.

In terms of conformance with commercial goals/objectives/strategies and locational guidelines, it conforms with the **Commercial/Office Objective** to “Develop future retail/commercial areas which complement existing commercial activities, provide convenient access to the public and minimize detrimental impacts to other adjacent land uses,” as well as **Strategy III.B.2** of integrating the development of out parcels in relation to planned retail centers through shared internal vehicular and pedestrian circulation, combined signage, similar landscaping and building materials, and combined ingress/egress locations. The proposed CUP incorporates architectural and landscape requirements, parking lot elements and lighting consistency, restrained signage, cross-lot circulation, a site circulation plan, and combined ingress-egress. **Strategy III.B.3** seeks to reduce access points along arterial streets; the number of access points requested on the CUP is within the range allowed by urban standards of the Access Management Policy. **Strategy III.B.6** seeks to channel traffic generated by commercial activities to the closest major thoroughfare with minimum impact upon local residential streets; the major access points for this proposed CUP directs traffic onto North Meridian Avenue.

**Commercial Locational Guideline #1** of the *Comprehensive Plan* recommends that commercial sites should be located adjacent to arterial streets. The proposed development complies with this guideline. **Commercial Locational Guideline #3** recommends site design features that limit noise, lighting and other aspects that may adversely affect residential use, **#4** recommends compact clusters versus extended strip development, and **#5** stated that commercially-generated traffic should not feed directly onto local residential streets.



The **Office Locational Guideline #1** of the *Comprehensive Plan* recommends that office uses should generally be located adjacent to arterial streets, **#3** recommends that local, service-oriented offices should be incorporated within or adjacent to neighborhood and community commercial developments, and **#4** advises that low-density office uses can serve as a transitional land use between residential uses and uses of a higher intensity.

**RECOMMENDATION:** Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2008-07) to LC and NR, subject to the development guidelines contained in DP-311, and platting within one year;
- B. APPROVE the Community Unit Plan (DP-311), subject to the following conditions:
  - 1. Guarantee decel lanes and left turn lanes into full movement openings at time of platting.
  - 2. Prohibit drive-through windows located within 200 feet of residential zoning and ensure queuing lanes for drive-through windows do not align vehicle headlights facing residential zoning.
  - 3. Non-lighted signs are allowed to face towards the south and west property lines.
  - 4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  - 5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  - 6. The ordinance/resolution establishing the zone change shall not be published until the platting has been recorded with the Register of Deeds.
  - 7. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-311) includes special conditions for development on this property.
  - 8. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Property surrounding the proposed CUP is zoned SF-5 or SF-20 and is undeveloped or developed with single-family residential or agricultural uses. Land to the west of the application area is in the same ownership as the proposed CUP. Land further to the west is also owned by the applicant but platted for residential use. Currently, the property to the north is zoned SF-20 Single-family Residential and is currently vacant farmland, but is owned by a church. The property located south of Keywest is zoned SF-5, and is developed with single-family residences. The property to the east of Parcel 2, along North Meridian Avenue, is developed with an SF-5 residential development, Harbor Isles. The property located east of the Parcel 1 is also zoned SF-5, but is predominately vacant farmland with one single-family residence. The proposed CUP is  $\frac{3}{4}$  of a mile from both the Little Arkansas and the Big Arkansas Rivers. This area is a transition from farm activity to more urban uses.
2. The suitability of the subject property for the uses to which it has been restricted: The *Comprehensive Plan* does not recognize local commercial use of the property; however, the plan does recognize local commercial at the intersection of 53<sup>rd</sup> Street North and North Meridian Avenue, located 600 feet north of the proposed LC zoning within this proposed CUP. The area, according to the *Comprehensive Plan*, is shown as suitable for “urban residential,” and could be developed as such.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The CUP will alter the character of the area by introducing non-residential development at a mid-mile location or is not an extension of existing non-residential zoning. However, the site is abutting a sanitary sewer lift station, and is an awkwardly shaped remnant of a larger tract previously owned by the applicant that had significant arterial street frontage. Over the years staff has been advised by various developers that they sometimes have difficulty selling single-family lots that front an arterial street. The development standards imposed by the CUP will mitigate anticipated negative effects on surrounding property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The “2030 Wichita Functional Land Use Guide, Map as amended May 2005” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “urban residential.” The CUP and proposed zoning does not entirely conform to the future Land Use Guide Map due to the proposed commercial zoning. However, the applicant has incorporated virtually all of the design features recommended by the Comprehensive Plan, and discussed above, to minimize potential negative impacts between different uses: architectural controls, lighting standards, building height and signage. The site also utilizes generally accepted land use principles by buffering more intensive uses from less intense uses. The site will comply with other code required buffering techniques such as masonry wall screening, landscaping, and access controls.
5. Impact of the proposed development on community facilities: The development will add traffic to the arterial streets and increase potential demand for improvements to the arterial streets with possible acceleration and deceleration lanes in the future. Other municipal services are available or can be extended through platting.

6. Opposition or support of neighborhood residents: There have been many inquiries about this application, and there was enough opposition at a District VI Advisory Board meeting for the applicant to revise his request.

**FOSTER** reported that he had received a phone call on this case expressing a concern about traffic. He asked staff to review the development guidelines, specifically items 11B. and C concerning signalization.

**MILLER** said those issues will be decided at platting on a case-by-case basis.

**FOSTER** asked about staff's recommendation on the deceleration lane.

**MILLER** staff recommendations were based on the City Traffic Engineer's recommendation.

Responding to **FOSTER's** comment concerning use of walls along 51<sup>st</sup> Street north of parcel #1, **SLOCUM** explained that the first property line, not the street, ends at North Meridian.

Responding to **HILLMAN's** question concerning neighborhood use of parcel #3, **SLOCUM** said the applicant could answer that question.

**GENE RATH, MKEC, AGENT FOR THE APPLICANT**, said there have been several meetings concerning the application including two DAB VI meetings. He said that parcel #3 has been removed from the application. He said currently parcel #1 is zoned single family and that they could possibly plat a connection to parcel #3, which is zoned multi-family and office; however, parcel #3 has been taken off table for now. He said it is up to the developer to decide what they may want to do in the future. He said there could be some type of access agreement on parcel #2 at the time of platting. He said a dentist office is planned for parcel #2 and general office is planned for parcel #1. He mentioned the City of Wichita pump station and said that "LC" uses would be compatible with the area. He added that both tracts only have access to Meridian. He said deceleration and left turn lanes will be addressed at the time of platting. He commented that Parcel #2 will primarily be office uses, which will not generate near as much traffic as restaurants and other "LC" uses, so it may not warrant the need for right and left turn lanes.

**ROBERT SCHRECK, 4769 PORTWEST IN THE MOORINGS**, mentioned development of the Wal-Mart and other commercial development in the area and that a deceleration lane and left turn lane was needed and should have been required when the application was approved.

**MOTION:** To approve subject to staff recommendation.

**MCKAY** moved, **ANDERSON** seconded the motion, and it carried (12-0).

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.**

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON2008-07**

Zone change request from SF-5 Single-family Residential to LC Limited Commercial on property described as:

A tract of land lying in the West Half of Section 24, Township 26 South, Range 1 West, of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 24, thence on a Kansas coordinate system of 1983 south zone grid bearing and along the East line of the Northeast Quarter, said Section 24 of N00°46'02"W, 769.39 feet; thence S89°13'58"W, 55.00 feet to the POINT OF BEGINNING, thence S69°30'45"W, 268.54 feet to a northerly corner of a 105.00 foot drainage-way dedication said point being on a curve to the right, thence along said curve to the right having a radius of 1157.63 feet, a central angle of 55°50'54", a tangent length of 613.56 feet, the long chord of which bears N53°42'45"W for a distance of 1084.24 feet with a radial line in of N08°21'47"E and a radial line out of S64°12'42"W for an arc length of 1128.39 feet to a point on the south line of the Northeast Quarter of the Northeast Quarter of said Section 24; thence along said south line of the Northeast Quarter of the Northeast Quarter, said Section 24, N89°39'27"E, 1118.11 feet to a point lying 55.00 feet west of the east line of said Northeast Quarter; thence parallel with and 55.00 feet west of said east line, S00°46'02"E, 554.44 feet to the POINT OF BEGINNING, EXCEPT, Lot 1, Block 1, North Sanitary Sewer Addition, Wichita, Sedgwick County, Kansas. Generally located south of 53rd Street North and west of North Meridian Avenue.

Zone change request from SF-5 Single-family Residential to NR Neighborhood Retail on property described as:

A tract of land lying in the West Half of Section 24, Township 26 South, Range 1 West, of the 6<sup>th</sup> Principal Meridian, Wichita, Sedgwick County, Kansas; said tract being more particularly described as follows:

COMMENCING at the East Quarter corner of said Section 24, thence on a Kansas coordinate system of 1983 south zone grid bearing of S89°15'47"W, 55.00 feet to the POINT OF BEGINNING, thence parallel with and 55.00 feet west of the east line of the Southeast

Quarter of said Section 24, S00°42'24"E, 580.27 feet to the north line of Key West Street right-of-way; thence along the north line of said Key West Street right-of-way, S88°23'36"W, 264.42 feet; thence N00°46'02"W, 1158.51 feet to a point on the south line of a 105.00 foot drainage-way dedication; thence along said south line, N89°13'58"E, 265.00 feet to a point lying 55.00 feet west of the East line of the Northwest Quarter of said Section 24; thence parallel with and 55.00 feet west of said East line, S00°46'02"E, 574.37 feet to the POINT OF BEGINNING. Generally located south of 53rd Street North and west of North Meridian Avenue.

**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita**  
**City Council Meeting**  
May 13, 2008

**TO:** Mayor and City Council

**SUBJECT:** CUP2008-00005 and ZON2008-00007 – Creation of DP-311 Moorings Plaza II Commercial and Residential Community Unit Plan and zone change from SF-5 Single-family Residential (“SF-5”) to LC Limited Commercial (“LC”) and NR Neighborhood Retail (“NR”). Generally located south of 53rd Street North and west of North Meridian Avenue. (District VI)

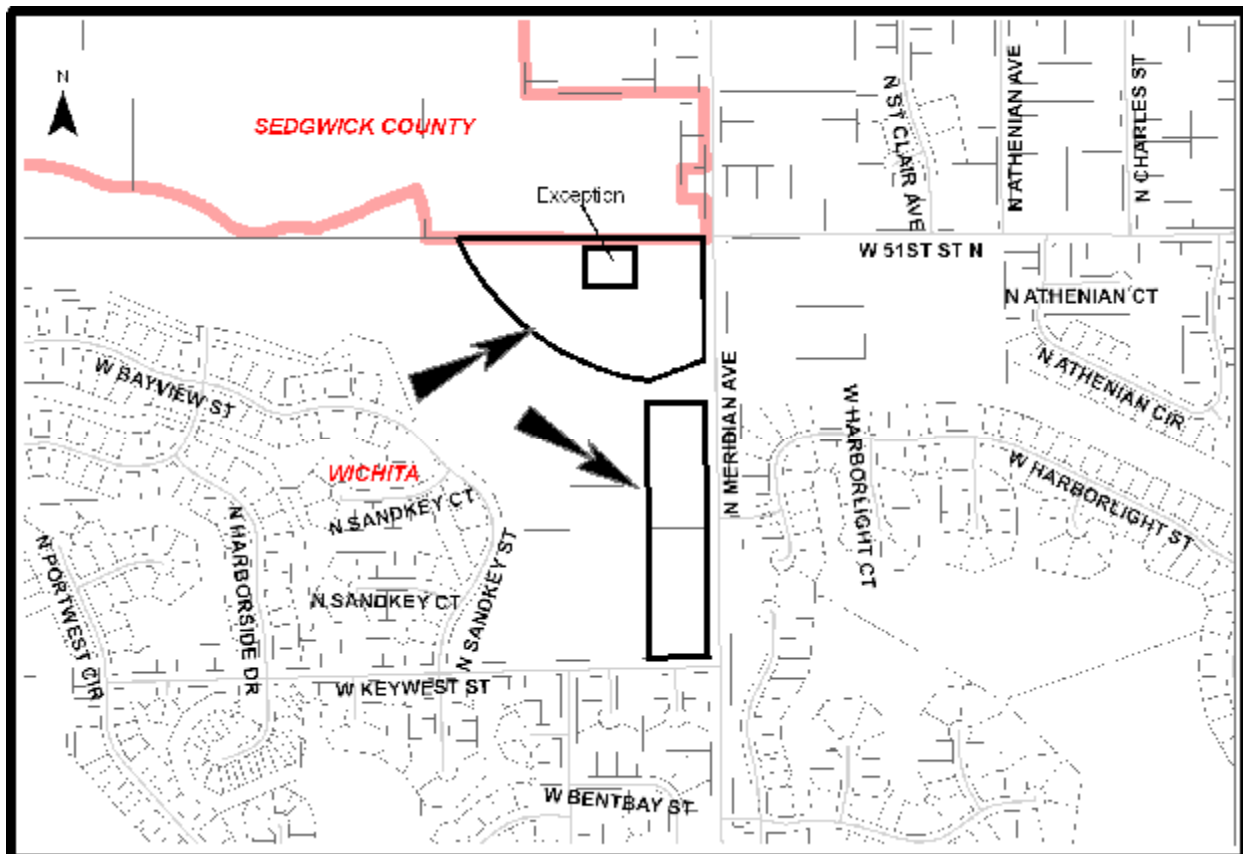
**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

**MAPC Recommendations:** Approve, subject to staff recommendations (12-0).

**MAPD Staff Recommendations:** Approve, subject to conditions.

**DAB VI Recommendations:** Approve, subject to staff recommendations (7-2).



**BACKGROUND:** The applicant proposes to create a commercial and office Community Unit Plan containing approximately 18.07 acres with two parcels located approximately one-quarter mile south of the intersection of 53<sup>rd</sup> Street North and North Meridian Avenue. (The initial application included a Parcel 3, containing 18.31 acres that permitted MF-18 Multi-family Residential (“MF-18”) and Neighborhood Office (“NO”) uses. Parcel 3 has been deleted from this request.) The application area is currently zoned SF-5 Single-family Residential (“SF-5”).

Parcel 1 (11.25 acres) is located along Meridian Avenue, 1,323 feet south of the intersection of 53<sup>rd</sup> and Meridian; the proposed zoning being LC Limited Commercial (“LC”), except: group residence, general and limited; correctional placement residence, general and limited; recycling collection station, private; utility, major and minor; heliport, kennel, boarding and breeding and training; night club in the city and county; pawn shop, sexually oriented business, cemetery, all industrial, manufacturing and extractive uses. Queuing for drive-through lanes shall not direct vehicle headlights onto single-family lots. Parcel 1 is also located just north of a proposed drainage-way dedication. Parcel 1 is contiguous to the City of Wichita’s existing sanitary sewer lift station on three sides.

Parcel 2 (6.82 acres) is also situated along Meridian Avenue, but south of the proposed drainage-way and north of Keywest Street. Proposed zoning for Parcel 2 is NR Neighborhood Retail (“NR”) except: group residence, limited; correctional placement limited; utility, minor; pawn shop; all industrial, manufacturing and extractive uses; all uses permitted in the MF-18 Multi-family Residential (“MF-18”) zone district and animal care, limited. Queuing for drive-through lanes shall not direct vehicle headlights on to single-family lots.

Reserve A (0.79 acres) is situated between Parcels 2 and 3 to the north and Keywest Street to the south. Reserve A is designated for open space, screening, sidewalks, berms, landscaping, irrigation and utilities confined by easements. The reserve initially allowed for two (2) possible accesses, one through to Parcel 2 and one for Parcel 3, connecting with Keywest Street. The access point from Keywest to the now deleted Parcel 3 has been eliminated from General Provision 14.

In any parcel, drive-through or in car service (for restaurants, banks, etc, service station, fuel outlets or gas pumps) shall not be permitted within 200 feet of any single-family residential lot.

The proposed zoning pattern would confine the more intensive uses to Parcel 1 in the northern part of the CUP, away from any large concentration of single-family residences and buffered from the rest of the CUP by a 105-foot drainageway easement. The uses permitted by the CUP are only those uses permitted by right and not by conditional use.

The CUP has a maximum building coverage of 30 percent, maximum gross floor area of 35 percent and a maximum building height of 35 feet. The buildings would have uniform architectural compatibility and share similar lighting elements, with a maximum height of 25 feet for the light poles, except 15 feet when within 100 feet of residential zoning or residential uses, and share a similar landscape palette. The CUP requires internal circulation among parcels and cross-lot circulation.

All parcels are subject to the requirements of the Sign Code for the City of Wichita for the LC zoning district. Freestanding signs would be monument style with shared elements and a maximum height of 25 feet. The recommendation for the sign plan is to keep the amount of signage within the range of the 0.8 x the parcel’s linear frontage for LC on North Meridian Avenue. No signs will be allowed along Keywest Street and no lighted signs shall be allowed to face the single-family residential lots to the south and or west. Flashing signs (except time, temperature, public service messages) moving, portable, billboard and off-site signs are prohibited. A six to eight foot high masonry wall is designated along the west, northwest and north property lines adjoining SF-20 and SF-5 zoning.

Currently, the property to the north of Parcel 1 is zoned SF-20 Single-family Residential (“SF-20”), owned by a church and is vacant farmland. The property to the south of Parcel 2 is zoned SF-5 and is developed with single-family residences. The property located east of the proposed CUP, along north Meridian Avenue, is

developed with single-family residences or is farmland and zoned SF-5. The land to the west (now the deleted Parcel 3) is vacant and also zoned SF-5.

The proposed CUP is located  $\frac{3}{4}$  of a mile from both the Little Arkansas and the Big Arkansas Rivers. The proposed CUP is located in the flood hazard zone "X." Zone X is the flood insurance rate zone that corresponds to areas outside the 100-year floodplains, areas of 100-year sheet flow flooding where average depths are less than 1 foot, areas of 100-year stream flooding where the contributing drainage area is less than 1 square mile, or areas protected from the 100-year flood by levees. No Base Flood Elevations or depths are shown within this zone.

**Analysis:** At the MAPC meeting held April 10, 2008, MAPC voted (12-0) to recommend approval of the CUP and zone change request subject to staff recommendation. There was discussion regarding a deceleration and a left turn lane into the proposed development, but the Commission decided to go with staff recommendations to address that issue during platting of the property. One citizen spoke in reference to the left turn lane and he did not think the developers should be responsible for that expense.

This case was originally heard at the District VI Advisory Board meeting held on March 3, 2008. At that meeting, the DAB voted 8-1 to deny the request due to concerns of commercial development and multi-family residential development being adjacent to an existing residential area. The application at that time consisted of three parcels with a large multi-family component abutting single-family zoned property. The applicant modified the application in response to the DAB recommendation and presented the modified application to DAB VI on April 7, 2008. At that meeting, the DAB voted 7-2 to approve the CUP and zone change as presented per staff recommendations. The modified request eliminated Parcel 3 and also eliminated the multi-family component. The modified request has the majority of the CUP fronting North Meridian with LC zoning in Parcel 1 and NR zoning in Parcel 2. No modification was made to the MAPC recommendation. No protest petitions have been filed.

Between the two DAB meetings the applicants also held a meeting with the Moorings and Harbor Isle Neighborhood Associations.

The MAPC recommendation is to APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2008-07) to LC and NR, subject to the development guidelines contained in DP-311, and platting within one year;
- B. APPROVE the Community Unit Plan (DP-311), subject to the following conditions:
  1. Guarantee decel lanes and left turn lanes into full movement openings at time of platting.
  2. Prohibit drive-through windows located within 200 feet of residential zoning and ensure queuing lanes for drive-through windows do not align vehicle headlights facing residential zoning.
  3. Non-lighted signs are allowed to face towards the south and west property lines.
  4. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  5. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  6. The ordinance/resolution establishing the zone change shall not be published until the platting has been recorded with the Register of Deeds.
  7. Prior to publishing the ordinance/resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-311) includes special conditions for development on this property.



8. The applicant shall submit four revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:**

1. Adopt the findings of the MAPC and approve the community unit plan and the zone change to LC Limited Commercial ("LC") and NR Neighborhood Retail ("NR"); withhold the publication of the ordinance until the plat is recorded; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

**BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.**

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2008-14**

Zone change request from LC Limited Commercial to OW Office Warehouse on property described as:

Parcel 1:

The north 30 feet of the east 140 feet of Lot 44 and the east 140 feet of Lot 45, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 2:

Lot 41, except the east 282.46 feet and & Lot 42, except the east 282.46 feet, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 3:

Lot 43, except the east 210 feet, & East Urbandale Addition, Sedgwick County, Kansas.

Parcel 4:

The east 210 feet of Lots 43, 44 and 45, except the north 30 feet of the east 140 feet of Lots 44 and except the east 140 feet of Lot 45, & East Urbandale Addition, Sedgwick County, Kansas.

Parcel 5:

Lot 44, except the east 210 feet and Lot 45, except the east 210 feet, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 6:

Lot 46, and the east 25 feet of Lot 47, except the north 5 feet for road; East Urbandale Addition, Sedgwick County, Kansas.

Generally located south 53rd Street North and west of Arkansas Avenue.

**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

**ATTEST:**

\_\_\_\_\_  
Karen Sublett, City Clerk

\_\_\_\_\_  
Carl Brewer, Mayor

(SEAL)

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law



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## INTEROFFICE MEMORANDUM

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**TO:** Metropolitan Area Planning Commission Members  
**FROM:** Terri Dozal, District VI Neighborhood Assistant  
**SUBJECT:** ZON2008-00014 Zone change from LC Limited Commercial (“LC”) to Office Warehouse (“OW”) zoning. Generally located south of 53<sup>rd</sup> Street North and west of Arkansas.  
**DATE:** April 9, 2008

On Monday, April 7, 2008 the District VI Advisory Board (DAB) considered a Zone change from LC Limited Commercial (“LC”) to Office Warehouse (“OW”) zoning. Generally located south of 53<sup>rd</sup> Street North and west of Arkansas. The members were provided the MAPD staff report for review prior to the meeting. Dale Miller, Planner presented the case background and reviewed the staff recommendation with members and the public.

\*\*\*\*\* **Action:** The District VI Advisory Board made a motion to recommend to the City Council **Approval** (9-0) of the request based on staff recommendations.

**Board Members** questions/concerns included: 1) at the front of this property are they running a used car lot and 2) will there be any dismantling of scrap.

Please review this information when **ZON2008-00014** is considered.  
MTD

EXCERPT OF APRIL 10, 2008 MAPC HEARING

**Case No.: ZON2008-14** - John Lawson (Owner); Lance Brawner (Agent) Request City zone change from "LC" Limited Commercial to "OW" Office Warehouse on property described as:

Parcel 1:

The north 30 feet of the east 140 feet of Lot 44 and the east 140 feet of Lot 45, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 2:

Lot 41, except the east 282.46 feet and & Lot 42, except the east 282.46 feet, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 3:

Lot 43, except the east 210 feet, & East Urbandale Addition, Sedgwick County, Kansas.

Parcel 4:

The east 210 feet of Lots 43, 44 and 45, except the north 30 feet of the east 140 feet of Lots 44 and except the east 140 feet of Lot 45, & East Urbandale Addition, Sedgwick County, Kansas.

Parcel 5:

Lot 44, except the east 210 feet and Lot 45, except the east 210 feet, East Urbandale Addition, Sedgwick County, Kansas.

Parcel 6:

Lot 46, and the east 25 feet of Lot 47, except the north 5 feet for road; East Urbandale Addition, Sedgwick County, Kansas. Generally located on the southwest corner of 53rd Street North and Arkansas Avenue.

**BACKGROUND:** The application area is zoned LC Limited Commercial ("LC") and is used for medical equipment warehousing and distribution. Warehousing is not a permitted use in the LC district; therefore the applicant requests OW Office Warehouse ("OW") zoning. The platted site is located at the southwest corner of West 53<sup>rd</sup> Street North and North Arkansas. The northeast half-acre of this site is developed with a commercial/warehouse building; the remainder of the five-acre site is undeveloped. The site has significant vegetation along the west property line, and at the southwest corner. No screening fences exist on the site, and the south property line is not as well landscaped. Loading areas on the site are screened from the south neighbors by the building.

North of the site, across 53<sup>rd</sup> Street, are SF-5 Single-family Residential ("SF-5") zoned residences, a legal non-conforming nursery/garden center, and a church. South and west of the site are SF-5 zoned single-family residences. East of the site, across Arkansas, is vacant LI

Limited Industrial (“LI”) zoned property under Protective Overlay PO-85. Further east is a rail corridor, and industrial uses within Park City.

**CASE HISTORY:** The site consists of portions of Lots 41 through 46 of the East Urbandale Addition, platted in 1912. The building on the site was constructed in 1975.

**ADJACENT ZONING AND LAND USE:**

|        |      |  |
|--------|------|--|
| NORTH: | SF-5 | Single-family residential, church, nursery and garden center |
| SOUTH: | SF-5 | Single-family residential                                    |
| EAST:  | LI   | Vacant, rail corridor, industrial uses in Park City          |
| WEST:  | SF-5 | Single-family residential                                    |

**PUBLIC SERVICES:** 53<sup>rd</sup> Street North is a 4-lane arterial with a 30-foot half width right-of-way (ROW) at this location. North Arkansas is a 2-lane arterial with a 25-foot half width ROW at this location. The site parking lot has access from both 53<sup>rd</sup> and Arkansas. The 2030 Transportation Plan designates both of these arterials to remain in their current configuration. The site is approximately one mile from I-135 via 53<sup>rd</sup> Street North. No traffic counts are available for either of these streets at this location. Municipal water is available at the site; municipal sewer is not available at the site.

**CONFORMANCE TO PLANS/POLICIES:** The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Local Commercial.” The Comprehensive Plan Commercial Locational Guidelines state the following: commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion; commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments and commercially-generated traffic should not feed directly onto local residential streets.

The Unified Zoning Code (UZC) would require screening between single-family residential development and any future development on this site, and would require setbacks from all property lines. Future improvements on the site would require a landscape plan.

**RECOMMENDATION:** The current warehouse use has operated for some time at this location without any noticeable complaints. The current warehousing use has less impact on surrounding neighbors than many uses permitted by right under LC zoning, such as convenience stores and service stations. The OW district has significantly fewer permitted uses than the LC district; typical uses permitted in OW but not in LC include warehousing, wholesale business, and recycling processing centers.

This site is largely undeveloped; code requirements for setbacks, screening, and buffers will ensure that future improvements have no negative effect on surrounding neighbors. Based upon

information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: North of the site, across 53<sup>rd</sup> Street, are SF-5 Single-family Residential (“SF-5”) zoned residences, a legal non-conforming nursery/garden center, and a church. South and west of the site are SF-5 zoned single-family residences. East of the site, across Arkansas, is vacant LI Limited Industrial (“LI”) zoned property under Protective Overlay PO-85. Further east is a rail corridor, and industrial uses within Park City.
2. The suitability of the subject property for the uses to which it has been restricted: The site could be developed under the current zoning with typical retail/commercial uses. However, this may not be a desirable retail location due to proximity to other industrial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request would allow all land uses permitted in OW zoning on the site. The OW district has significantly fewer permitted uses than the LC district. Uses permitted in OW but not in LC include warehousing, wholesale business, tattoo and piercing, research services, and recycling processing centers.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The “2030 Wichita Functional Land Use Guide” of the Comprehensive Plan identifies this site as appropriate for “Local Commercial.” The Comprehensive Plan Commercial Locational Guidelines state the following: commercial sites should be located adjacent to arterial streets or major thoroughfares that provide needed ingress and egress in order to avoid traffic congestion; commercial development should have required site design features that limit noise, lighting and other aspects of commercial activity that may adversely impact surrounding residential land uses; commercial uses should locate in compact clusters or nodes versus extended strip developments and commercially-generated traffic should not feed directly onto local residential streets.
5. Impact of the proposed development on community facilities: The proposed zone change should have no increased impact on community facilities. Uses permitted under LC could have a greater impact on community facilities than uses permitted under OW zoning.

**MOTION:** To approve subject to staff recommendation.

**MCKAY** moved, **ANDERSON** seconded the motion, and it carried (12-0).

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council

**SUBJECT:** ZON2008-14 – Zone change from LC Limited Commercial to OW Office Warehouse; generally located south of 53<sup>rd</sup> Street North and west of Arkansas. (District VI)

**INITIATED BY:** Metropolitan Area Planning Department

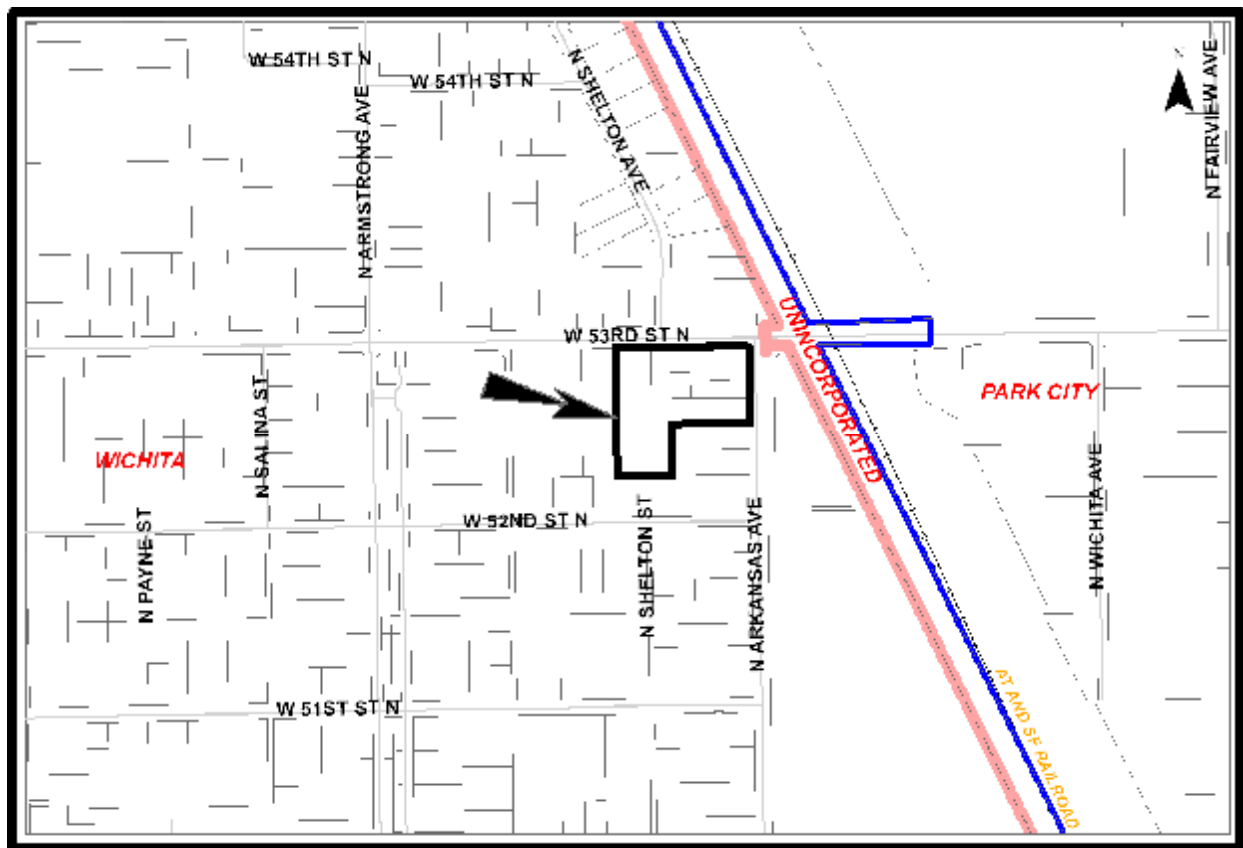
**AGENDA:** Planning (Consent)

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**MAPC Recommendations:** Approve (12-0).

**MAPD Staff Recommendations:** Approve.

**DAB Recommendations:** Approve.





**Background:** The application area is zoned LC Limited Commercial (“LC”) and is used for medical equipment warehousing and distribution. Warehousing is not a permitted use in the LC district; therefore, the applicant requests OW Office Warehouse (“OW”) zoning. The platted site is located at the southwest corner of West 53<sup>rd</sup> Street North and Arkansas. The northeast half acre of this site is developed with a commercial/warehouse building; the remainder of the five-acre site is undeveloped. The site has significant vegetation along the west property line and at the southwest corner. No screening fences exist on the site, and the south property line is not as well landscaped. Loading areas on the site are screened from the south neighbors by the building.

North of the site, across 53<sup>rd</sup> Street North, are SF-5 Single-family Residential (“SF-5”) zoned residences, a legal non-conforming nursery/garden center and a church. South and west of the site are SF-5 zoned single-family residences. East of the site, across Arkansas, is vacant LI Limited Industrial (“LI”) zoned property under Protective Overlay PO-85. Further east is a rail corridor and industrial uses within Park City.

**Analysis:** MAPC heard this request on April 10, 2008, and DAB VI heard this request on April 7, 2008. Both bodies approved unanimously; no one spoke against the request at the public hearings and no protest petitions were filed.

**Financial Considerations:** None.

**Goal Impact:** Promote Economic Vitality.

**Legal Considerations:** The ordinance has been reviewed and approved as to form by the Law Department.

**Recommendation/Actions:**

1. Adopt the findings of the MAPC and approve the zone change, publish the zone change ordinance; or
2. Return the application to the MAPC for reconsideration.

(An override of the Planning Commission's recommendation requires a two-thirds majority vote of the City Council on the first hearing.)

**City of Wichita**  
**City Council Meeting**  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** SUB 2007-98 -- Plat of Mike Steven Motors Addition located west of Rock Road and on the south side of Kellogg. (District II)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA ACTION:** Planning (Consent)

---

**Staff Recommendation:** Approve the plat.

**MAPC Recommendation:** Approve the plat. (11-0)

**Background:** This site, consisting of one lot on 7.51 acres, is a replat of the Chrysler Addition, E.M. Steven's 3<sup>rd</sup> Addition and a portion of Keys 2<sup>nd</sup> Addition. This site is located within Wichita's city limits. A zone change (ZON 2007-54) from SF-5 Single-Family Residential to LC Limited Commercial has been approved for the southeastern corner of the site. The Mike Steven Motors Community Unit Plan (DP-308/CUP 2007-61) has also been approved for this site. A Notice of Community Unit Plan has been submitted identifying the approved CUP and its special conditions for development on this property.

**Analysis:** Municipal services are available to serve the site. Temporary Easements (utility and drainage) have been submitted. Contingent Dedications for street right-of-way and 15-foot street drainage and utility easements have also been submitted. This site is located within the noise impact area of McConnell Air Force Base; therefore, a Restrictive Covenant and an Avigational Easement have been submitted. A Drive Approach Closure Certificate has been submitted.

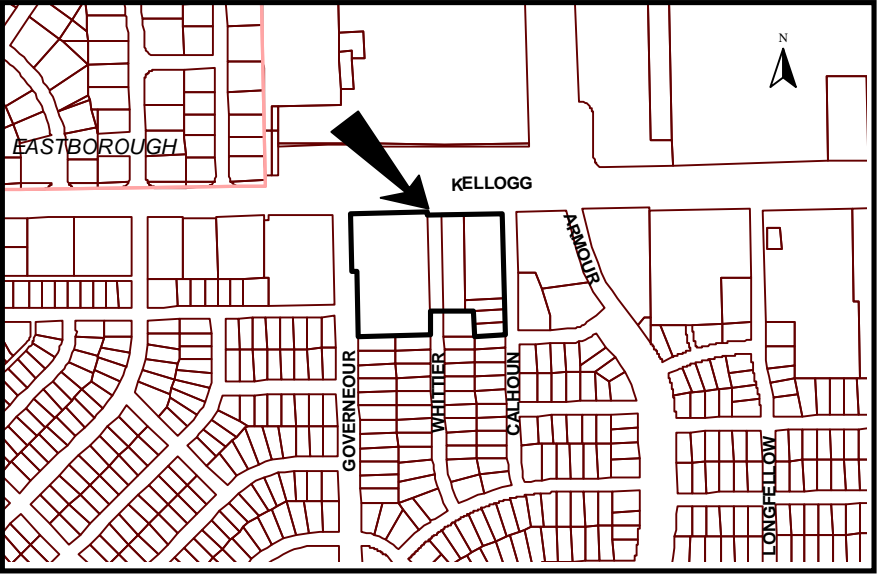
The Metropolitan Area Planning Commission has approved the plat, subject to conditions. Publication of the Ordinance should be withheld until the plat is recorded with the Register of Deeds.

**Financial Considerations:** None.

**Goal Impact:** Ensure Efficient Infrastructure.

**Legal Considerations:** The Notice of Community Unit Plan, Temporary Easements, Contingent Dedications, Restrictive Covenant, Avigational Easement and Drive Approach Closure Certificate will be Recorded Deeds.

**Recommendations/Actions:** Approve the documents and plat, authorize the necessary signatures and approve first reading of the Ordinance.



Published in The Wichita Eagle on \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

**SECTION 1.** That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

**Case No. ZON 2007-54**

Request for a zone change from SF-5, Single-Family Residential District to LC, Limited Commercial District, for property described as: That part of Lot 1, Block A, Mike Steven Motors Addition, Wichita, Sedgwick County, Kansas described as follows: Beginning at the SE corner of said Lot 1, said SE corner being on the west right-of-way line of Calhoun Dr. as dedicated in Keys Second Addition to Wichita, Kansas; thence westerly along the south line of said Lot 1, 133.05 feet to a deflection corner in said south line; thence northerly along a line of said Lot 1, 54.46 feet to a deflection corner in said line; thence easterly, 133.12 feet to a deflection corner on the east line of said Lot 1, said east line also being the west right-of-way line of said Calhoun Dr.; thence southerly along the east line of said Lot 1, 54.43 feet to the point of beginning, Wichita, Sedgwick County, Kansas.

Generally located west of Rock Road and on the south side of Kellogg.

**SECTION 2.** That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita -Sedgwick County Unified Zoning Code as amended.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

**ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.**

**ATTEST:**

\_\_\_\_\_  
Carl Brewer, Mayor

\_\_\_\_\_  
Karen Sublett, City Clerk

(SEAL)

Approved as to form:

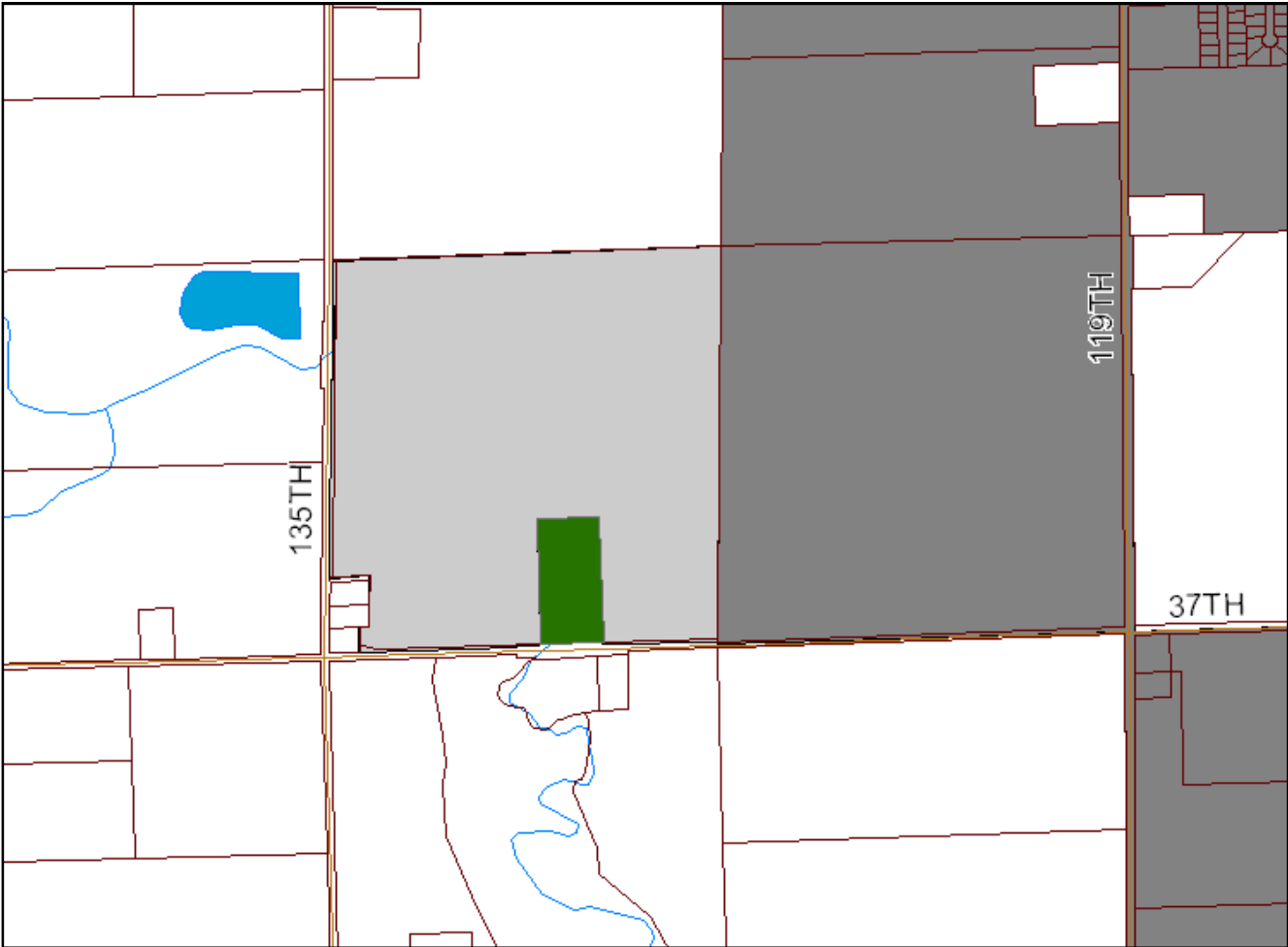
\_\_\_\_\_  
Gary E. Rebenstorf, City Attorney

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

**General Location:** Land generally located north of 37<sup>th</sup> Street North, between 135<sup>th</sup> St West & 119<sup>th</sup> St West.

|                       |                                      |                                       |                  |
|-----------------------|--------------------------------------|---------------------------------------|------------------|
| <b>Address:</b> _____ |                                      | <b>Reason(s) for Annexation:</b>      |                  |
| 8.02                  | Area in Acres                        | <input checked="" type="checkbox"/> X | Request          |
| 2.39                  | Existing population (est.)           | <input type="checkbox"/>              | Unilateral _____ |
| 1                     | Existing dwelling units              | <input type="checkbox"/>              | Island           |
| 0                     | Existing industrial/commercial units | <input type="checkbox"/>              | Other: _____     |

|                  |                        |
|------------------|------------------------|
| Existing zoning: | "RR" Rural Residential |
|------------------|------------------------|



WICHITA CITY LIMITS

AREA TO BE ANNEXED

N

PUBLISHED IN THE WICHITA EAGLE ON\_\_\_\_\_

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN  
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE  
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.  
(A08-05)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District V respectively:

That part of the Southeast ¼ of the Southwest ¼ of Section 25, Township 26 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as beginning at a point on the South line of said Southwest ¼, 763 feet West of the Southeast corner thereof; thence North perpendicular to said South line 881.57 feet; thence West parallel to said south line, 420 feet; thence South 881.57 feet to said South line; thence East along said South line, 420 feet to the point of beginning EXCEPT for that part designated as 37<sup>th</sup> Street North road right-of-way.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita**  
**City Council Meeting**  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** A08-05R Request by John Philbrick, of the Property Management Division, and David Warren, of Wichita Water Utilities, on behalf of the City of Wichita to annex land generally located north of 37<sup>th</sup> Street North, between 135<sup>th</sup> Street West and 119<sup>th</sup> Street West. (District V)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

---

**Recommendation:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

**Background:** The Property Management Division and Wichita Water Utilities, on behalf of the City of Wichita, are requesting to annex 8.02 acres of land generally located north of 37<sup>th</sup> Street North, between 135<sup>th</sup> Street West and 119<sup>th</sup> Street West. The annexation area abuts the City of Wichita to the north, east and west. This property is currently being leased, for it has a single residential unit. At this time, it is anticipated that the property will ultimately be incorporated into the Northwest Sewer Complex.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of approximately 8.02 acres of property currently zoned "RR" Rural Residential. Upon annexation, the "RR" Rural Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north, east and west is the Wichita Sewage Treatment Plant #3 and is zoned "SF-5" Single-Family Residential. Property to the south is primarily undeveloped, with only two residences and is zoned "RR" Rural Residential.

**Public Services:** The nearest water line is a 24" main located one mile south of the subject property along 29<sup>th</sup> Street North. There is a 14" sewer main along 135<sup>th</sup> Street West approximately ¼ mile west of the subject property.

**Street System:** 37<sup>th</sup> Street North, a dirt road, runs along the southern edge of the subject property. According to the 2008 Transportation Improvement Program, the construction of the Northwest Bypass is scheduled to begin in 2009, which is located ¼ mile north of the proposed annexation site; however, this project will most likely be delayed for several years due to the nationwide reduction of available federal funds. The City of Wichita Capital Improvement Program (CIP) 2007-2016 and the Sedgwick County Capital Improvement Program 2008-2012 do not call for street improvements near the proposed annexation site.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 16, located at 1632 North Tyler with an eleven (11) to twelve (12) minute response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau, of the Wichita Police Department, headquartered at 661 N. Elder.



**Parks:** The closest parks are located within the City of Colwich and the City of Maize. The closest City of Wichita park is the North Ridge Village Addition, located 3 miles east of the subject property, is undeveloped and serves as a habitat for the Eastern Spotted Skunk. The West Meadows Park, a 1.5-acre park, is located approximately 3 miles southeast of the subject property and contains a children's play area, a basketball/multi-use court, and a tennis court. The Sunset Park, a 19-acre park, is located 4 miles southeast of the subject property and contains a softball diamond, two tennis courts, a children's play area, a soccer field, a parking area and two drinking fountains. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified that would run east and north of the annexation area. The proposed pathway improvements are not currently funded in the Capital Improvement Program.

**School District:** The annexation property is part of the Unified School District 267 (Renwick School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

**Financial Considerations:** The current approximate appraised value of the proposed annexation lands, according to County records, is \$172,640 with a total assessed value of \$19,853. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$635 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. This property is currently being leased, for it has a single residential unit. At this time, it is anticipated that the property will ultimately be incorporated into the Northwest Sewer Complex.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

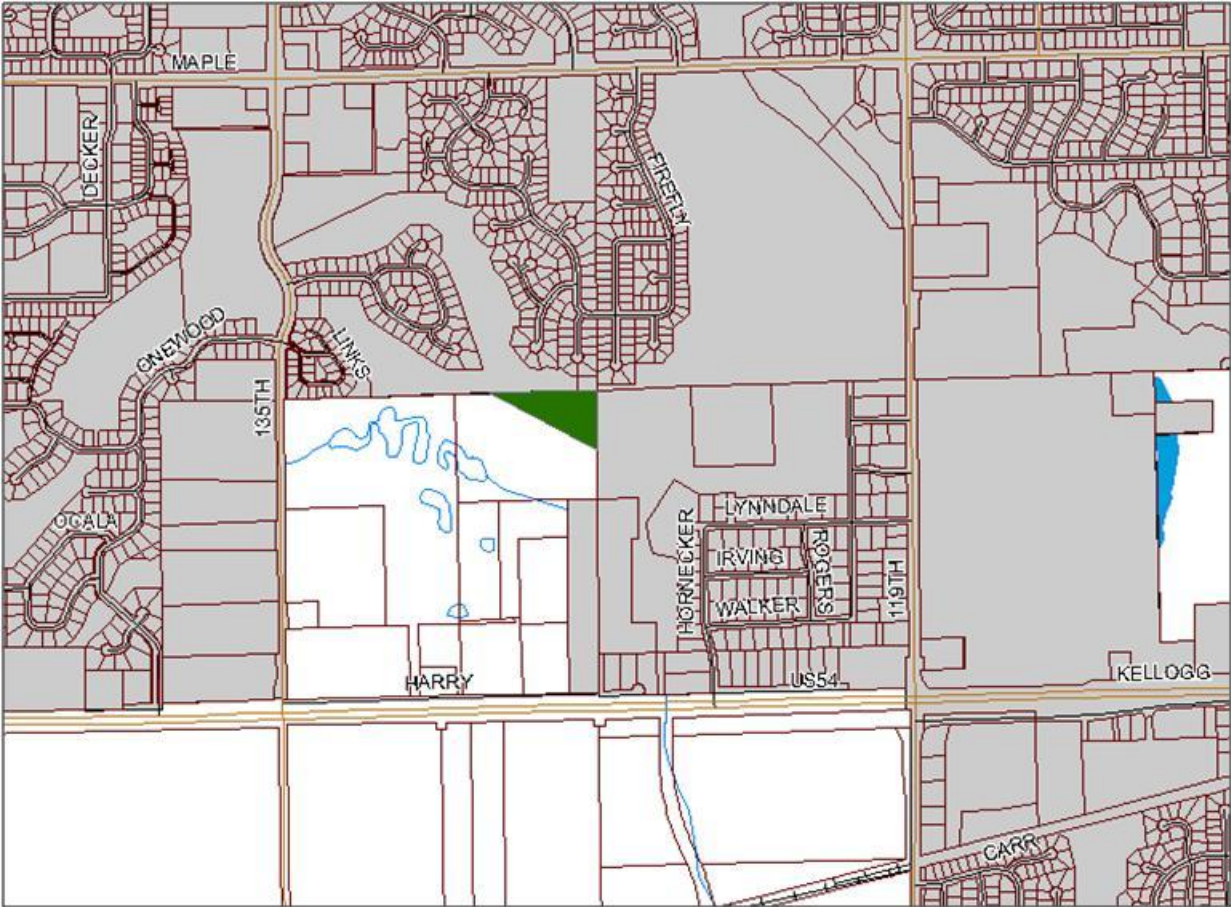
**Legal Considerations:** The property is eligible for annexation under K.S.A. 12-519, *et seq.*

**Recommendations/Actions:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

**General Location:** Land generally located north of US-54/Kellogg, between 135<sup>th</sup> St West & 119<sup>th</sup> St West.

| Address:         |                                      | Reason(s) for Annexation:           |            |
|------------------|--------------------------------------|-------------------------------------|------------|
| 5.17             | Area in Acres                        | <input checked="" type="checkbox"/> | Request    |
| 0                | Existing population (est.)           | <input type="checkbox"/>            | Unilateral |
| 0                | Existing dwelling units              | <input type="checkbox"/>            | Island     |
| 0                | Existing industrial/commercial units | <input type="checkbox"/>            | Other:     |
| Existing zoning: |                                      | "SF-20" Single-Family Residential   |            |



WICHITA CITY LIMITS

AREA TO BE ANNEXED

N

PUBLISHED IN THE WICHITA EAGLE ON\_\_\_\_\_

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN  
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE  
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.  
(A08-06)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District V respectively:

That part of the Southwest ¼ of Section 25, Township 27 South, Range 2 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas described as beginning at the Northeast corner of said Southwest ¼; thence West 900 feet; thence Southeast to a point 500 feet South of the Northeast corner of said Southwest 1/4; thence North to beginning.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita**  
**City Council Meeting**  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** A08-06R Request by John Philbrick, of the Property Management Division, and Doug Kupper, of the Park and Recreation Department, on behalf of the City of Wichita to annex land generally located north of US-54/Kellogg, between 135<sup>th</sup> Street West and 119<sup>th</sup> Street West. (District V)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

---

**Recommendation:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

**Background:** The Property Management Division and the Park and Recreation Department, on behalf of the City of Wichita, are requesting to annex 5.17 acres of land generally located north of US-54/Kellogg, between 135<sup>th</sup> Street West and 119<sup>th</sup> Street West. The annexation area abuts the City of Wichita to the north and east. This property is a part of the Auburn Hills Golf Course.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of approximately 5.17 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. Property directly to the north is developed with Maple Valley Addition and Auburn Hills 2<sup>nd</sup>, 8<sup>th</sup> and 10<sup>th</sup> Additions and is zoned "SF-5" Single-Family Residential. Property to the east is the continuation of the Auburn Hills Golf Course and is zoned "SF-5" Single-Family Residential. Property to the south and west is primarily undeveloped and is zoned "SF-20" Single-Family Residential.

**Public Services:** The nearest water lines are a series of 8" lines located in the Maple Valley Addition and the Auburn Hills 2<sup>nd</sup>, 8<sup>th</sup> and 10<sup>th</sup> Additions to the north of the subject property. There is also a 12" sewer line that runs through the subject property.

**Street System:** This property is a part of the Auburn Hills Golf Course; therefore, it is not served by any roads at this time.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 17, located at 10651 W. Maple, with a five (5) to six (6) minute response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau, of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The subject property is a portion of the Auburn Hills Golf Course, a 158-acre park, which is an 18-hole championship golf course. According to the 1996 Parks and Open Space Master Plan, a potential pathway has been identified that would run along the south edge of the annexation area. The proposed pathway improvements are not currently funded in the Capital Improvement Program.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

Financial Considerations: The current approximate appraised value of the proposed annexation lands, according to County records, is \$29,300 and since it is a city-owned property, it is tax-exempt. This property will remain as a portion of the Auburn Hills Golf Course.

Goal Impact: Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

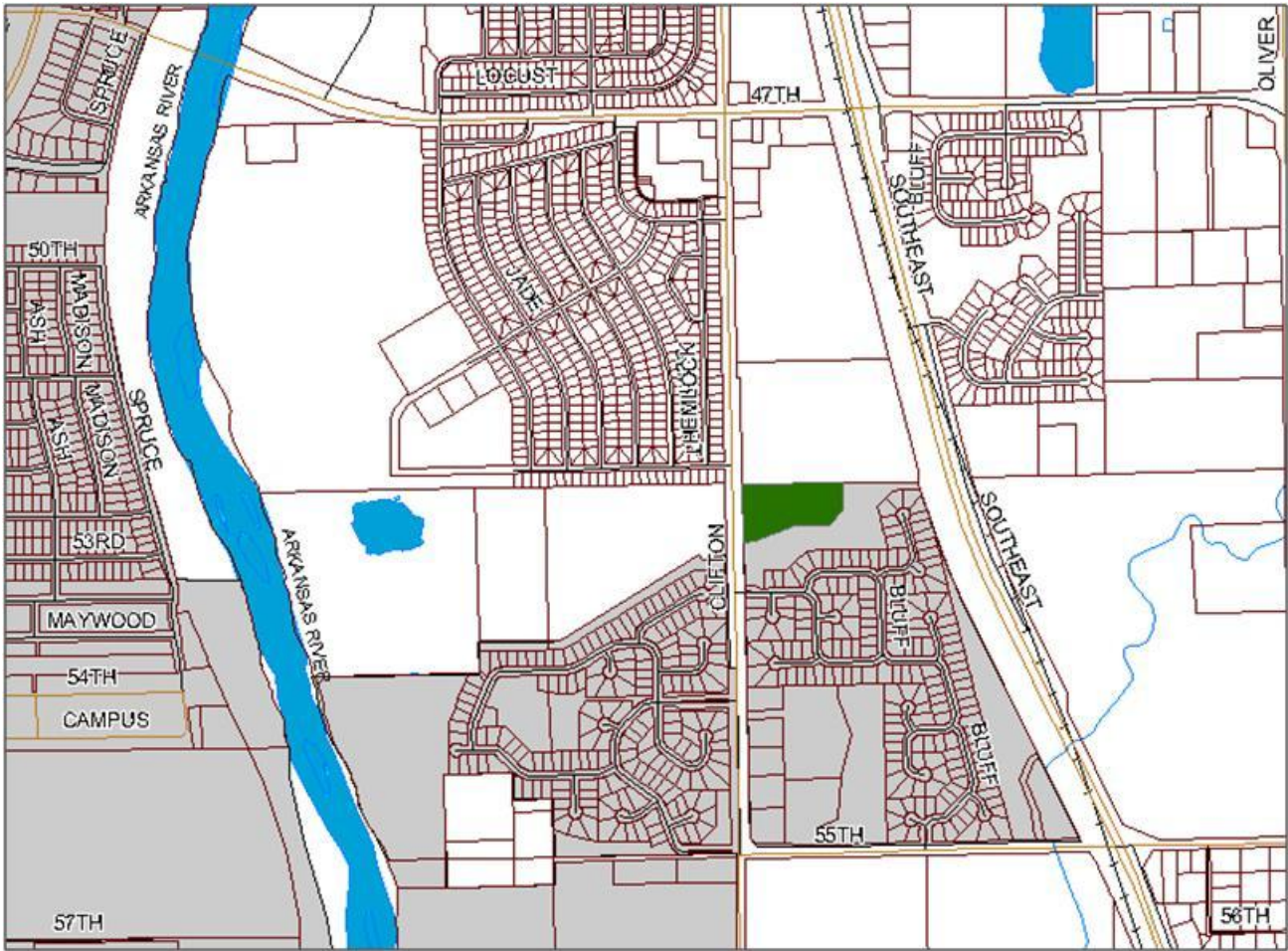
Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, *et seq.*

Recommendations/Actions: Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

**General Location:** Land generally located north of 55<sup>th</sup> Street South, between Clifton Avenue & Southeast Blvd.

|                       |                                      |                                       |                  |
|-----------------------|--------------------------------------|---------------------------------------|------------------|
| <b>Address:</b> _____ |                                      | <b>Reason(s) for Annexation:</b>      |                  |
| 5.37                  | Area in Acres                        | <input checked="" type="checkbox"/> X | Request          |
| 0                     | Existing population (est.)           | <input type="checkbox"/>              | Unilateral _____ |
| 0                     | Existing dwelling units              | <input type="checkbox"/>              | Island           |
| 0                     | Existing industrial/commercial units | <input type="checkbox"/>              | Other:           |
| Existing zoning:      |                                      | "IP-A" Industrial Park - Airport      |                  |





PUBLISHED IN THE WICHITA EAGLE ON\_\_\_\_\_

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN  
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE  
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.  
(A08-07)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District III respectively:

That part of the East ½ of the Southwest ¼ of Section 23, Township 28 South, Range 1 East of the 6<sup>th</sup> P.M. Sedgwick County, Kansas described as follows: Beginning at the Northwest corner of the East ½ of said Southwest ¼; thence South 89 degrees 17' 18" East along the North line of the East ½ of said Southwest ¼, 785.06 feet; thence South 00 degrees 00' 06" East, 198.63 feet; thence South 45 degrees 18' 16" West, 140.66 feet; thence North 89 degrees 23' 22" West, 242.33 feet; thence South 68 degrees 41' 23" West, 302.36 feet; thence South 89 degrees 59' 54" West, 161.00 feet to a point on the West line of the East ½ of said Southwest ¼; thence North 00 degrees 00' 06" West along the West line of the East ½ of said Southwest ¼ 414.62 feet to the point of beginning, except that part dedicated for Clifton Avenue road right-of-way.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.



SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and City Council Members

**SUBJECT:** A08-07R Request by John Philbrick, on behalf of the City of Wichita, to annex land generally located north of 55<sup>th</sup> Street South, between Clifton Avenue and Southeast Boulevard. (District III)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Recommendation:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

**Background:** The Property Management Division, on behalf of the City of Wichita, is requesting to annex 5.37 acres of land generally located north of 55<sup>th</sup> Street South, between Clifton Avenue and Southeast Boulevard. The annexation area abuts the City of Wichita to the south and east. Its anticipated use is undetermined at this time.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of approximately 5.37 acres of property currently zoned “IP-A” Industrial Park – Airport. Upon annexation, the zoning will remain the same. Property directly to the north is undeveloped and is zoned “LI” Limited Industrial. Property to the east and south is undeveloped and is zoned “IP-A” Industrial Park-Airport. Property to the west is developed with the Pinaire Mobile Home Park Addition and is zoned “SF-5” Single-Family Residential.

**Public Services:** The nearest water line is a 12" line located in Clifton, coming south from Oaklawn and ending adjacent to the west edge of the subject property. There is also another 12” water line located in Clifton, just south of the subject property, adjacent to the Meadowlake Beach Addition. There is also a 24" sewer main in Clifton that runs along the west edge of the subject property.

**Street System:** Clifton Avenue, a two-lane paved road, runs along the west edge of the subject property. The 2008 Transportation Improvement Program, the City of Wichita Capital Improvement Program (CIP) 2007-2016 and the Sedgwick County Capital Improvement Program 2008-2012 do not call for street improvements near the proposed annexation site.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 19, located at 4440 South Broadway with a seven (7) to eight (8) minute response time. Upon annexation, police protection will be provided to the area by the Patrol South Bureau, of the Wichita Police Department, headquartered at 211 E. Pawnee.

**Parks:** Emery Park, a 30-acre park, is located approximately 2 miles to the northwest of the proposed annexation site and contains two tennis courts, a BMX track, a concession stand, a basketball court, a children's play area, a restroom, a drinking fountain and a parking area. Chapin Park, a 190-acre park, is located approximately 2 1/2 miles to the northwest from the proposed annexation site and is currently open space that is used by the Radio Control Club for model airplane flying. Palisade Park, a 5-acre park, is located approximately 2 miles to the west of the subject property and is an open space neighborhood park. South Lakes Park, a 250-acre park, is approximately 2 1/2 miles to the west of the proposed site and contains 16 soccer fields, 8 softball diamonds, 1 football field, 3 concession stands, 4 fishing lakes and 2 parking areas. In addition, the South Arkansas River Greenway, a 158-acre park, is approximately 2 miles to the south of the subject property and is undeveloped parkland along the Arkansas River. In addition, land has been donated to the City just south of the subject property, of which could potentially be developed into a future park, although this is undetermined at this time. Alternatively, according to the 1996 Parks and Open Space Master Plan, a potential future park site has been proposed just west of the subject property.

**School District:** The annexation property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

**Financial Considerations:** The current approximate appraised value of the proposed annexation lands, according to County records, is \$19,330 with a total assessed value of \$2,319. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$74 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the anticipated use of the property is undetermined.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

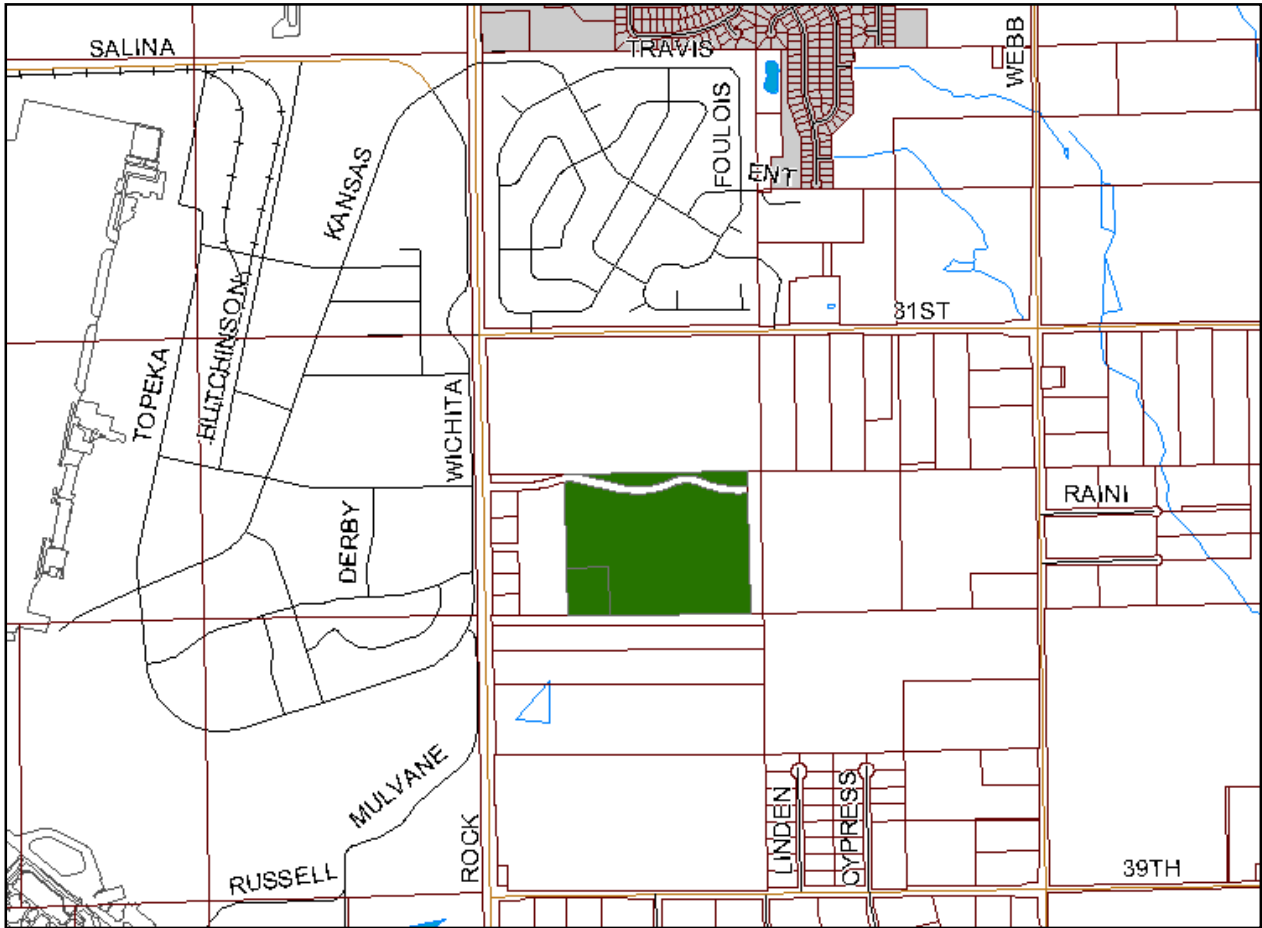
**Legal Considerations:** The property is eligible for annexation under K.S.A. 12-519, *et seq.*

**Recommendations/Actions:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

**General Location:** Land generally located east of Rock Road, between 39<sup>th</sup> Street South and 31<sup>st</sup> Street South.

|                                       |                                      |                                       |                  |
|---------------------------------------|--------------------------------------|---------------------------------------|------------------|
| <b>Address:</b> _____                 |                                      | <b>Reason(s) for Annexation:</b>      |                  |
| 49.9                                  | Area in Acres                        | <input checked="" type="checkbox"/> X | Request          |
| 0                                     | Existing population (est.)           | <input type="checkbox"/>              | Unilateral _____ |
| 0                                     | Existing dwelling units              | <input type="checkbox"/>              | Island           |
| 0                                     | Existing industrial/commercial units | <input type="checkbox"/>              | Other:           |
| Existing zoning: "IP" Industrial Park |                                      |                                       |                  |



PUBLISHED IN THE WICHITA EAGLE ON\_\_\_\_\_

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN  
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE  
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.  
(A08-08)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District II respectively:

Reserve B, Reserve C and Lot 7, Block A; all in the Rocky Ford Industrial Park Addition, Sedgwick County, Kansas, located in the NW 1/4 of Sec 8, Twp 28 S, R 2 E.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and City Council Members

**SUBJECT:** A08-08R Request by John Philbrick, on behalf of the City of Wichita, to annex land generally located east of Rock Road, between 39<sup>th</sup> Street South and 31<sup>st</sup> Street South. (District II)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Recommendation:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

**Background:** The Property Management Division, on behalf of the City of Wichita, is requesting to annex 49.9 acres of land generally located east of Rock Road, between 39<sup>th</sup> Street South and 31<sup>st</sup> Street South. The proposed annexation area is the eastern portion of the Rocky Ford Industrial Park that was donated to the City, but it does not abut the city limits at this time. It is anticipated that this site could potentially be developed into a future park.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of approximately 49.9 acres of property currently zoned "IP" Industrial Park. This property's zoning will not change upon annexation. Property directly to the north, east and south is primarily undeveloped with a few farmsteads and is zoned "SF-20" Single-Family Residential. Property to the west is primarily undeveloped and is zoned "LC" Limited Commercial.

**Public Services:** The nearest water line is a 12" main located in Rock Road, approximately ¾ mile north of the subject property. There is also a 10" sewer line also located in Rock Road, approximately ¾ mile north of the subject property.

**Street System:** Rock Road, a four-lane paved road, is the closest arterial road west of the subject property. The Sedgwick County Capital Improvement Program 2008-2012 has scheduled, for 2010, stormwater and shoulder improvements, north of the subject property, along Rock Road from the McConnell AFB Gate to 31<sup>st</sup> Street South. The 2008 Transportation Improvement Program and the City of Wichita Capital Improvement Program (CIP) 2007-2016 do not call for street improvements near the proposed annexation site.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 15, located at 7923 E. Lincoln, with a seven (7) to eight (8) minute response time. Upon annexation, police protection will be provided to the area by the Patrol East Bureau, of the Wichita Police Department, headquartered at 350 S. Edgemoor.

**Parks:** Towne Park, a 4.34-acre park, is located approximately ½ mile to the north of the proposed annexation site and contains a pond with a dock, a children's play area and a paved exercise/fitness trail. Planeview Park, a 109-acre park, is located approximately 2 miles to the northwest from the proposed annexation site and contains three model airplane flying areas, a soap box derby track, a concession building with restroom, a baseball diamond, four softball diamonds, one basketball/multi-purpose court, four tennis courts, four soccer fields, five parking areas, three drinking fountains, three children's play areas, a bike path, a sand box and four benches. Cessna Park East, a 23-acre park, is approximately 2 miles to the northwest of the proposed site and contains two softball diamonds, two tennis courts, one basketball/multi-purpose court, an open shelter, three parking areas, two drinking fountains, a children's play area and a bike path. Cessna Park West, a 14-acre park, is approximately 2 miles to the northwest of the subject property and contains an open shelter, restrooms, a parking area, charcoal grills and a bike path.

**School District:** The annexation property is part of the Unified School District 260 (Derby School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

**Financial Considerations:** The current approximate appraised value of the proposed annexation lands, according to County records, is \$2,740 with a total assessed value of \$822. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$26 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. At this time, the anticipated use of the property may be a park, but this is undetermined at this time.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

**Legal Considerations:** The property is eligible for annexation under K.S.A. 12-519, *et seq.*

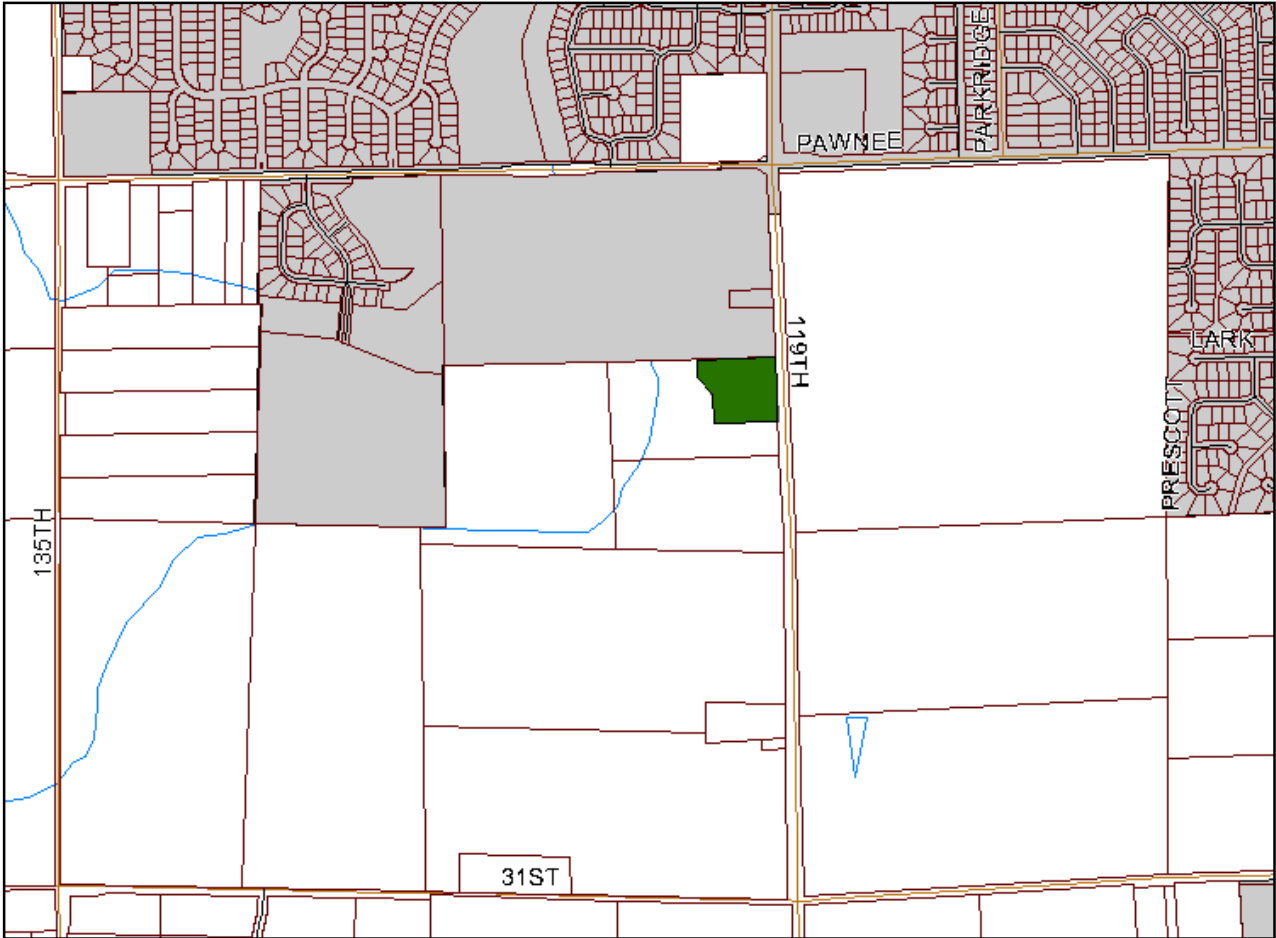
**Recommendations/Actions:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.



An ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto.

**General Location:** Land generally located west of 119<sup>th</sup> St. West, between Pawnee Avenue and 31<sup>st</sup> St. South.

| Address:         |                                      | Reason(s) for Annexation:             |            |
|------------------|--------------------------------------|---------------------------------------|------------|
| 5.4              | Area in Acres                        | <input checked="" type="checkbox"/> X | Request    |
| 2.39             | Existing population (est.)           | <input type="checkbox"/>              | Unilateral |
| 1                | Existing dwelling units              | <input type="checkbox"/>              | Island     |
| 2                | Existing industrial/commercial units | <input type="checkbox"/>              | Other:     |
| Existing zoning: |                                      | "SF-20" Single-Family Residential     |            |



WICHITA CITY LIMITS

AREA TO BE ANNEXED

N

PUBLISHED IN THE WICHITA EAGLE ON\_\_\_\_\_

ORDINANCE NO.\_\_\_\_\_

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN  
BLOCKS, PARCELS, PIECES AND TRACTS OF LAND WITHIN THE  
LIMITS AND BOUNDARIES OF THE CITY OF WICHITA, KANSAS.  
(A08-09)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,  
KANSAS:

SECTION 1. The governing body, under the authority of K.S.A. 12-519, et seq, hereby annexes the following blocks, parcels, pieces and tracts of land and they are hereby included and brought within the corporate limits of the City of Wichita, Kansas and designated as being part of City Council District IV respectively:

Commencing at the northeast corner of the NE1/4 of Sec. 1, T28S, R2W of the 6th P.M., Sedgwick County, Kansas; thence S03°02'11"E, along the east line of said NE1/4, 1376.85 feet for a place of beginning; thence continuing south along said east line, a distance of 480.00 feet; thence S88°24'12"W, 520.02 feet; thence N03°02'11"W, 215.00 feet; thence N29°23'22"W, 210.00 feet; thence N03°02'11"W, 79.17 feet; thence N88°24'12"E, 613.27 feet to the place of beginning EXCEPT for that part designated as 119<sup>th</sup> Street West road right-of-way.

SECTION 2. That if any part or portion of this ordinance shall be held or determined to be illegal, ultra vires or void the same shall not be held or construed to alter, change or annul any terms or provisions hereof which may be legal or lawful. And in the event this ordinance in its entirety shall be held to be ultra vires, illegal or void, then in such event the boundaries and limits of said City shall be held to be those heretofore established by law.

SECTION 3. That the City Attorney be and he is hereby instructed at the proper time to draw a resolution redefining the boundaries and limits of the City of Wichita, Kansas, under and pursuant to K.S.A. 12-517, et seq.

SECTION 4. This ordinance shall become effective and be in force from and after its adoption and publication once in the official city paper.

ADOPTED at Wichita, Kansas, this \_\_\_\_\_.

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to form:

\_\_\_\_\_  
Gary E. Rebenstorf, Director of Law

**City of Wichita**  
**City Council Meeting**  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** A08-09R Request by Alan S. Girrens to annex land generally located west of 119<sup>th</sup> Street West, between Pawnee Avenue and 31<sup>st</sup> Street South. (District IV)

**INITIATED BY:** Metropolitan Area Planning Department

**AGENDA:** Planning (Consent)

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**Recommendation:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

**Background:** The City received a request to annex 5.4 acres of land generally located west of 119<sup>th</sup> Street West, between Pawnee Avenue and 31<sup>st</sup> Street South. The annexation area abuts the City of Wichita to the north. The property owner anticipates that the proposed property will be redeveloped within the next ten years with commercial uses as proposed in the Girrens Commercial Community Unit Plan (CUP). A plat will be submitted to the Wichita-Sedgwick County Metropolitan Area Planning Department within one year.

**Analysis:**

**Land Use and Zoning:** The proposed annexation consists of approximately 5.4 acres of property currently zoned "SF-20" Single-Family Residential. Upon annexation, the "SF-20" Single-Family Residential zoning will convert to "SF-5" Single-Family Residential. The applicant is requesting a "GC" General Commercial zone change for the proposed annexation site. Property directly to the north is also included in the proposed CUP and is currently zoned "SF-5" Single-Family Residential. In addition, the applicant is requesting a "GO" General Office zone change for the property to the north of the proposed annexation site. Property to the east, south and west is primarily undeveloped and is zoned "SF-20" Single-Family Residential.

**Public Services:** The nearest water line is a 16" main located in 119<sup>th</sup> Street West, approximately ¼ mile north of the subject property. There are also 8" sewer lines that serve the Turkey Creek 2<sup>nd</sup> Addition and the Flat Creek Addition located approximately ¼ mile north of the subject property.

**Street System:** 119<sup>th</sup> Street West, a two-lane paved road, runs along the east edge of the subject property. The Sedgwick County Capital Improvement Program 2008-2012 and the 2008 Transportation Improvement Program do not call for street improvements near the proposed annexation site. The City of Wichita Capital Improvement Program (CIP) 2007-2016 has scheduled improvements for 119<sup>th</sup> Street West, north of Pawnee in 2011.

**Public Safety:** Fire protection is currently provided to the area on the basis of a first-responder agreement between the City and County, and that service will continue following annexation. Wichita will provide fire protection from Fire Station No. 17, located at 10651 W. Maple, with a seven (7) to eight (8) minute response time. Upon annexation, police protection will be provided to the area by the Patrol West Bureau, of the Wichita Police Department, headquartered at 661 N. Elder.

**Parks:** The Pawnee Prairie Park, a 625-acre park, is located approximately 1 ½ miles to the east of the proposed annexation site and contains a five-mile bridle trail, an eight-mile nature trail, a municipal golf course, a nature center and parking areas that accommodate horse trailers. In addition, Air Capital Memorial Park, a ten-acre park, is adjoining Pawnee Prairie Park to the north. Meadow Park, a 51-acre park, and the Auburn Hills Golf Course, a 158-acre, 18-hole championship golf course is located approximately 1 ½ miles north of the subject property. West Millbrook Park, a 25.6-acre park, is located next to Meadow Park, located approximately 1 ½ miles north of the subject property and contains a softball diamond, a children's play area, a picnic table and an open shelter.

**School District:** The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

**Comprehensive Plan:** The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area, as shown in the Plan.

**Financial Considerations:** The current approximate appraised value of the proposed annexation lands, according to County records, is \$95,550 with a total assessed value of \$10,988. Using the current City levy (\$31.979/\$1000 x assessed valuation), this roughly yields \$351 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. The total appraised value of this development after completion is undetermined at this time.

**Goal Impact:** Approving the annexation request would impact Wichita's goal to ensure efficient infrastructure, for annexation of this property would assist the City in satisfying the demand for new infrastructure needed to support growth and development.

**Legal Considerations:** The property is eligible for annexation under K.S.A. 12-519, *et seq.*

**Recommendations/Actions:** Approve the annexation request, place the ordinance on first reading and authorize the necessary signatures.

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Petition to pave the west half of 159<sup>th</sup> St. East, from 3,000' south of 29<sup>th</sup> St. North to 29<sup>th</sup> St. North (District II)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the Petition.

**Background:** The Petition has been signed by one owner representing 100% of the improvement district.

**Analysis:** 159<sup>th</sup> St. East, south of 29<sup>th</sup> St. North, is the boundary line between Wichita and Butler County. The owner of property on the west side of 159<sup>th</sup> St. East has submitted a Petition to pave the west half of 159<sup>th</sup> St. East from 3,000' south of 29<sup>th</sup> to 29<sup>th</sup> Street. The project will not proceed until an agreement has been established with Butler County or the City of Andover to pave the east half of the street.

**Financial Considerations:** The Petition totals \$125,000. The funding source is special assessments.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by provided for the future paving of a street required for new development.

**Legal Considerations:** State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of a majority of property in the improvement district.

**Recommendation/Action:** It is recommended that the City Council approve the Petition, adopt the Resolution and authorize the necessary signatures.

**Attachments:** Map, CIP Sheet, Petition and Resolution.

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING ASPHALT MAT PAVING ON THE WEST HALF OF 159TH STREET EAST FROM 29TH STREET NORTH TO A POINT 3000' SOUTH (NORTH OF 21ST, WEST OF 159TH ST. EAST) 472-84717 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING ASPHALT MAT PAVING ON THE WEST HALF OF 159TH STREET EAST FROM 29TH STREET NORTH TO A POINT 3000' SOUTH (NORTH OF 21ST, WEST OF 159TH ST. EAST) 472-84717 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing **asphalt mat paving on the west half of 159th Street East from 29th Street North to a point 3000' south (north of 21st, west of 159th St. East) 472-84717.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **One Hundred Twenty-Five Thousand Dollars (\$125,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **May 1, 2008** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

## **MONARCH LANDING SECOND ADDITION**

Lots 1 through 52, Block 1

Lots 1 through 14, Block 2

Lots 1 through 21, Block 3

Lots 1 through 6, Block 4

### **UNPLATTED RESIDENTIAL TRACT 1**

**BEGINNING** at the northeast corner of Lot 1, Block 5, Monarch Landing Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the north line of the Southeast Quarter of said Southeast Quarter on a Kansas coordinate system 1983 south zone bearing of N88°56'59"E, 806.11 feet to a point lying 60.00 feet west of the northeast corner of said Southeast Quarter of said Southeast Quarter; thence parallel with and 60.00 feet west of the east line of said Southeast Quarter, S00°38'46"E, 677.26 feet; thence S88°55'31"W, 730.00 feet; thence S01°04'29"E, 275.00 feet; thence S88°55'31"W, 354.03 feet; thence N37°18'14"W, 106.46 feet to point on an easterly line of said Monarch Landing Addition said point being on a curve to the left; thence along the easterly lines of said addition for the remaining nine (9) courses; thence along said curve to the left 182.95 feet to a reverse curve, said curve to the left having a central angle of 50°23'40", a radius of 208.00 feet, and a long chord distance of 177.11 feet, bearing N28°48'47"E; thence along said reverse curve 102.66 feet, said curve having a central angle of 15°59'03", a radius of 368.00 feet, and a long chord distance of 102.33 feet, bearing N11°36'28"E; thence S87°42'19"E, 128.47 feet; thence S73°24'04"E, 97.51 feet; thence N16°46'34"E, 120.09 feet to a point on a non-tangent curve to the right; thence along said curve 16.60 feet, said curve having a central angle of 01°47'51", a radius of 529.00 feet, and a long chord distance of 16.60 feet, bearing N76°07'04"W; thence N14°46'52"E, 58.00 feet; thence N01°03'01"W, 280.20 feet; thence S88°58'38"W, 22.83 feet; thence N01°01'22"W, 64.00 feet; thence N01°03'01"W, 131.86 feet to the **POINT OF BEGINNING**.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lots 1 through 12, and 14 through 29, Block 1; and Lots 11 through 21, Block 3; MONARCH LANDING SECOND ADDITION shall each pay 80/10,000 of the total cost payable by the improvement district. Lots 13, and 30 through 52, Block 1; Lots 1 through 14, Block 2; Lots 1 through 10, Block 3; and Lots 1 through 6, Block 4; MONARCH LANDING SECOND ADDITION shall each pay 104/10,000 of the total cost payable by the improvement district. THE UNPLATTED RESIDENTIAL TRACT 1 shall pay 1263/10,000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be



recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2008.

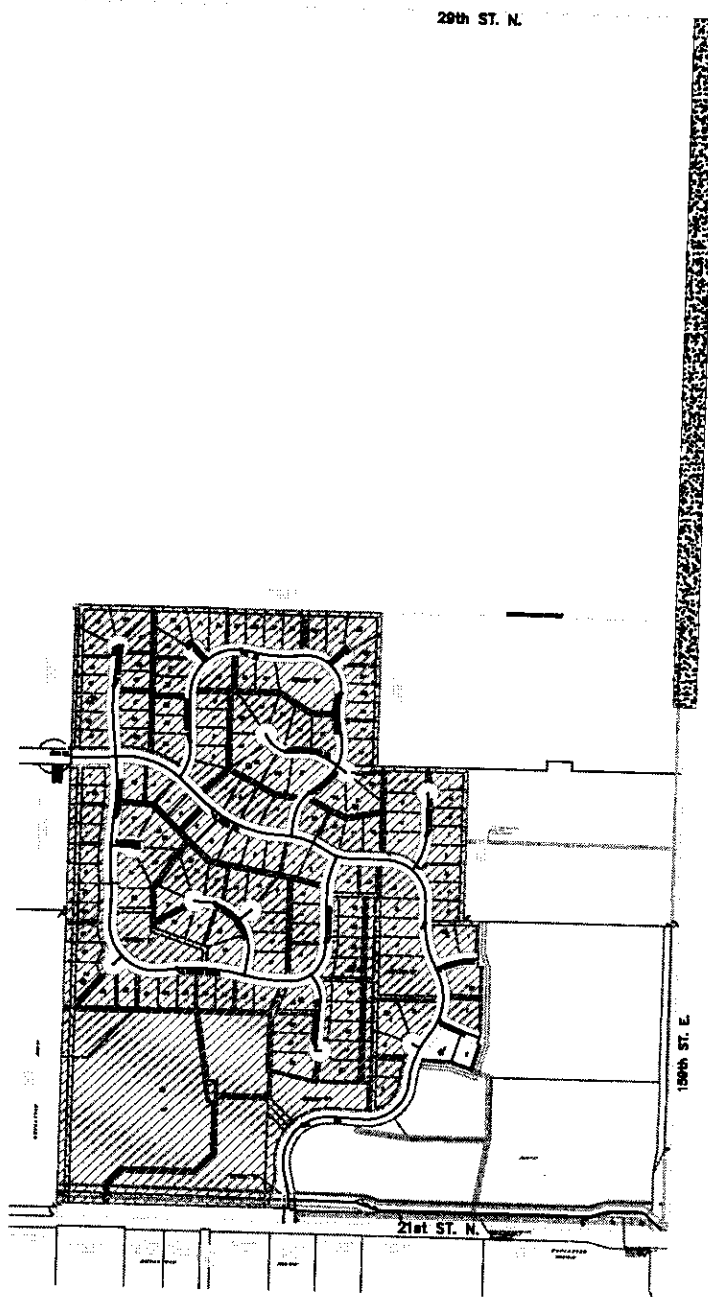
\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

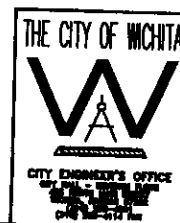
# MONARCH LANDING 2ND ADDITION



PROPOSED IMPROVEMENT  
BENEFIT DISTRICT



(ACTUAL ALIGNMENT TO BE  
DETERMINED BY DESIGN ENGINEER)



# CAPITAL IMPROVEMENT

## PROJECT AUTHORIZATION

CITY OF WICHITA

USE:

To Initiate Project

To Revise Project

|   |
|---|
| X |
|---|

1. Prepare in triplicate
2. Send original & 2 copies to budget.
3. City Manager to sign all copies.
4. File original w/ initiating resolution in City Clerk.
5. Return 2nd copy to initiating department.
6. Send 3rd copy to Controller.

|  |                               |                                    |   |
|--|-------------------------------|------------------------------------|---|
| 1. Initiating Department<br>Public Works | 2. Initiating Division<br>Eng | 3. Date<br>4/14/2008               | 4. Project Description & Location<br>Pave west 1/2 of 159th St. East, south of 29th St. North |
| 5. CIP Project Number<br>NI-200424       | 6. Accounting Number          | 7. CIP Project Date (Year)<br>2008 | 8. Approved by WCC Date   |
| 9. Estimated Start Date                  | 10. Estimated Completion Date | 11. Project Revised                |   |
| As Required                              |                               |                                    |   |
| 12. Project Cost Estimate                |                               |                                    |   |
| ITEM                                     | GO                            | SA                                 | OTHER * TOTAL   |
| Right of Way                             |                               |                                    |   |
| Paving, grading & const.                 |                               | \$125,000                          | \$125,000   |
| Bridge & Culverts                        |                               |                                    |   |
| Drainage                                 |                               |                                    |   |
| Sanitary Sewer                           |                               |                                    |   |
| Sidewalk                                 |                               |                                    |   |
| Water                                    |                               |                                    |   |
| Traffic Signals                          |                               |                                    |   |
| Totals                                   |                               | \$125,000                          | \$125,000   |
| Total CIP Amount Budgeted                |                               |                                    |   |
| Total Prelim. Estimate                   |                               |                                    |   |



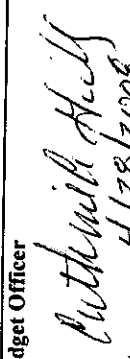
|                   |     |    |
|-------------------|-----|----|
| Platting Required | Yes | No |
| Lot Split         |     |    |
| Petition          | X   |    |
| Ordered by WCC    |     |    |

Remarks:

100% Petition

472-84717

13. Recommendation: Approve the petition and adopt the resolution

|  |  |  |              |
|--|--|--|--------------|
| Division Head<br> | Department Head<br> | Budget Officer<br> | City Manager |
| Date   | Date   | Date   | Date         |
|  |  | 4/28/2008  |              |

RECEIVED

APR - 3 '08

**PAVING PETITION**  
**159<sup>th</sup> Street**

To the Mayor and City Council  
Wichita, Kansas

**CITY CLERK OFFICE**

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

**MONARCH LANDING SECOND ADDITION**

Lots 1 through 52, Block 1;  
Lots 1 through 14, Block 2;  
Lots 1 through 21, Block 3;  
Lots 1 through 6, Block 4;

472-84717

**UNPLATTED RESIDENTIAL TRACT 1**

**BEGINNING** at the northeast corner of Lot 1, Block 5, Monarch Landing Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the north line of the Southeast Quarter of said Southeast Quarter on a Kansas coordinate system 1983 south zone bearing of N88°56'59"E, 806.11 feet to a point lying 60.00 feet west of the northeast corner of said Southeast Quarter of said Southeast Quarter; thence parallel with and 60.00 feet west of the east line of said Southeast Quarter, S00°38'46"E, 677.26 feet; thence S88°55'31"W, 730.00 feet; thence S01°04'29"E, 275.00 feet; thence S88°55'31"W, 354.03 feet; thence N37°18'14"W, 106.46 feet to point on an easterly line of said Monarch Landing Addition said point being on a curve to the left; thence along the easterly lines of said addition for the remaining nine (9) courses; thence along said curve to the left 182.95 feet to a reverse curve, said curve to the left having a central angle of 50°23'40", a radius of 208.00 feet, and a long chord distance of 177.11 feet, bearing N28°48'47"E; thence along said reverse curve 102.66 feet, said curve having a central angle of 15°59'03", a radius of 368.00 feet, and a long chord distance of 102.33 feet, bearing N11°36'28"E; thence S87°42'19"E, 128.47 feet; thence S73°24'04"E, 97.51 feet; thence N16°46'34"E, 120.09 feet to a point on a non-tangent curve to the right; thence along said curve 16.60 feet, said curve having a central angle of 01°47'51", a radius of 529.00 feet, and a long chord distance of 16.60 feet, bearing N76°07'04"W; thence N14°46'52"E, 58.00 feet; thence N01°03'01"W, 280.20 feet; thence S88°58'38"W, 22.83 feet; thence N01°01'22"W, 64.00 feet; thence N01°03'01"W, 131.86 feet to the **POINT OF BEGINNING**.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed within the area described above, asphalt mat paving on the west half of 159<sup>th</sup> Street from 29<sup>th</sup> Street to a point 3000' south. That said pavement between aforesaid limits be constructed with plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas. Drainage to be constructed where necessary.
- (b) That the estimated and probable cost of the foregoing improvement is One Hundred Twenty Five Thousand Dollars (\$125,000.00) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth may be increased to include

Monarch Landing Second Addition – Paving 159<sup>th</sup> Street Petition

GJA/cw 07165

Page 1

temporary interest or finance costs incurred during the course of design and construction of the project, and also may be increased at the pro rata rate of 1 percent per month from and after May 1, 2008.

- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value:

Lots 1 through 12, and 14 through 29, Block 1; and Lots 11 through 21, Block 3; Monarch Landing Second Addition shall each pay 80/10,000 of the total cost payable by the improvement district. Lots 13, and 30 through 52, Block 1; Lots 1 through 14, Block 2; Lots 1 through 10, Block 3; and Lots 1 through 6, Block 4; Monarch Landing Second Addition shall each pay 104/10,000 of the total cost payable by the improvement district. The Unplatted Residential Tract 1 shall pay 1263/10,000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other

improvements.

2. It is requested that the improvements hereby petitioned be made without notice and hearing, which but for this request, would be required by K.S.A. 12-6a04. This petition may be combined with other petitions of similar nature in order to form one public improvement project.

3. The petition is submitted pursuant to subsection (c) of K.S.A. 12-6a04, and amendments thereto and as owners of 100% of the properties proposed to be included in the improvement district, we acknowledge that the proposed improvement district does not include all properties which may be deemed to benefit from the proposed improvement.

4. That names may not be withdrawn from this petition by the signers thereof after the Governing body commences consideration of the petition or later than seven (7) days after filing, whichever comes first.

5. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

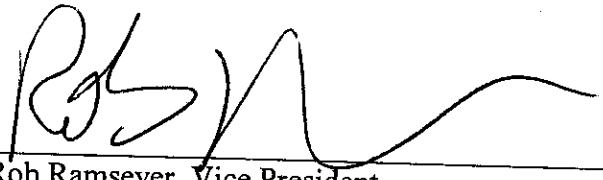
| LEGAL DESCRIPTION | SIGNATURE | DATE |
|-------------------|-----------|------|
|-------------------|-----------|------|

**MONARCH LANDING SECOND ADDITION**

Lots 1 through 52, Block 1; Lots 1 through 14, Block 2; Lots 1 through 21, Block 3; and Lots 1 through 6, Block 4; Monarch Landing Second Addition, an addition to Wichita, Sedgwick County, Kansas.

**MONARCH LANDING, LLC,  
A Kansas Limited Liability Company**

By:



Rob Ramseyer, Vice President  
Ritchie Development Corporation, Manager

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

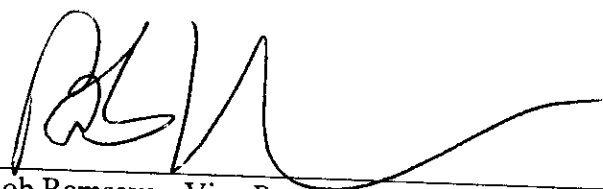
| LEGAL DESCRIPTION | SIGNATURE | DATE |
|-------------------|-----------|------|
|-------------------|-----------|------|

**UNPLATTED RESIDENTIAL TRACT 1**

**BEGINNING** at the northeast corner of Lot 1, Block 5, Monarch Landing Addition, an addition to Wichita, Sedgwick County, Kansas; thence along the north line of the Southeast Quarter of said Southeast Quarter on a Kansas coordinate system 1983 south zone bearing of N88°56'59"E, 806.11 feet to a point lying 60.00 feet west of the northeast corner of said Southeast Quarter of said Southeast Quarter; thence parallel with and 60.00 feet west of the east line of said Southeast Quarter, S00°38'46"E, 677.26 feet; thence S88°55'31"W, 730.00 feet; thence S01°04'29"E, 275.00 feet; thence S88°55'31"W, 354.03 feet; thence N37°18'14"W, 106.46 feet to point on an easterly line of said Monarch Landing Addition said point being on a curve to the left; thence along the easterly lines of said addition for the remaining nine (9) courses; thence along said curve to the left 182.95 feet to a reverse curve, said curve to the left having a central angle of 50°23'40", a radius of 208.00 feet, and a long chord distance of 177.11 feet, bearing N28°48'47"E; thence along said reverse curve 102.66 feet, said curve having a central angle of 15°59'03", a radius of 368.00 feet, and a long chord distance of 102.33 feet, bearing N11°36'28"E; thence S87°42'19"E, 128.47 feet; thence S73°24'04"E, 97.51 feet; thence N16°46'34"E, 120.09 feet to a point on a non-tangent curve to the right; thence along said curve 16.60 feet, said curve having a central angle of 01°47'51", a radius of 529.00 feet, and a long chord distance of 16.60 feet, bearing N76°07'04"W; thence N14°46'52"E, 58.00 feet; thence N01°03'01"W, 280.20 feet; thence S88°58'38"W, 22.83 feet; thence N01°01'22"W, 64.00 feet; thence N01°03'01"W, 131.86 feet to the **POINT OF BEGINNING**.

**MONARCH LANDING, LLC,  
A Kansas Limited Liability Company**

By:



Rob Ramseyer, Vice President  
Ritchie Development Corporation, Manager



# AFFIDAVIT

The undersigned, being first duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be to the best of his knowledge and belief, being signed either in the presences of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

MKEC Engineering Consultants, Inc.  
Company

*Christopher X. Wernicke*  
Authorized Signature

411 N. Webb Road

Wichita, Kansas  
Address

316-684-9600  
Telephone

Sworn to and subscribed before me this 3rd day of April 2008.



*Deborah G. Badlock*  
Deputy City Clerk

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Petitions to construct Sanitary Sewer and Water Improvements to serve part of Gateway Center 2nd Addition (south of 13<sup>th</sup>, east of Greenwich) (District II)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

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**Recommendation:** Approve the Petitions.

**Background:** The Petitions have been signed by one owner representing 100% of the improvement districts.

**Analysis:** The projects will provide sanitary sewer and water improvements within a commercial development located south of 13<sup>th</sup>, east of Greenwich.

**Financial Considerations:** The Petitions total \$36,500. The funding source is special assessments.

**Goal Impact:** These projects address the Efficient Infrastructure goal by providing for the construction of sanitary sewer and water improvements in a new subdivision.

**Legal Considerations:** State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

**Recommendation/Action:** It is recommended that the City Council approve the Petitions, adopt the Resolutions and authorize the necessary signatures.

**Attachments:** Map, CIP Sheets, Resolutions and Petitions.

132019

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 413, FOUR MILE CREEK SEWER (SOUTH OF 13TH, EAST OF GREENWICH) 468-84512** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 413, FOUR MILE CREEK SEWER (SOUTH OF 13TH, EAST OF GREENWICH) 468-84512** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That it is necessary and in the public interest to construct **Lateral 413, Four Mile Creek Sewer (south of 13th, east of Greenwich) 468-84512.**

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for hereof is estimated to be **Twenty Thousand Five Hundred Dollars (\$20,500)**, exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **May 1, 2008**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**TRACT "A"**

A PORTION OF LOT 12, BLOCK 1, THE GATEWAY CENTER 2ND ADDITION, AN  
ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY  
DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK 1;  
THENCE BEARING N01°03'27"W, ALONG THE WEST LINE OF SAID LOT 12, A  
DISTANCE OF 427.00 FEET; THENCE BEARING N89°06'02"E, A DISTANCE OF  
206.59 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID  
CURVE HAVING A RADIUS OF 487.24 FEET, THROUGH A CENTRAL ANGLE OF  
18°05'48", AN ARC DISTANCE OF 153.89 FEET; THENCE BEARING S01°03'27"E,  
A DISTANCE OF 451.10 FEET TO THE SOUTH LINE OF SAID LOT 12, BLOCK 1;  
THENCE BEARING S89°06'02"W, ALONG THE SAID SOUTH LINE, A DISTANCE  
OF 358.00 FEET TO THE POINT OF BEGINNING.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis, the same to be assessed as a percentage on the total cost payable by the improvement district as follows: TRACT "A" shall pay 100% of the cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

132019

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90384 (SOUTH OF 13TH, EAST OF GREENWICH)** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF **WATER DISTRIBUTION SYSTEM NUMBER 448-90384 (SOUTH OF 13TH, EAST OF GREENWICH)** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct **Water Distribution System Number 448-90384 (south of 13th, east of Greenwich)**.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Sixteen Thousand Dollars (\$16,000)** exclusive of the cost of interest on borrowed money, with **100** percent of the total cost payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **May 1, 2008**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**TRACT "A"**

A PORTION OF LOT 12, BLOCK 1, THE GATEWAY CENTER 2ND ADDITION,  
AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK 1;  
THENCE BEARING N01°03'27"W, ALONG THE WEST LINE OF SAID LOT 12, A  
DISTANCE OF 427.00 FEET; THENCE BEARING N89°06'02"E, A DISTANCE  
OF 206.59 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG  
SAID CURVE HAVING RADIUS OF 487.24 FEET, THROUGH A CENTRAL  
ANGLE OF 18°04'48", AN ARC DISTANCE OF 153.89 FEET; THENCE  
BEARING S01°03'27"E, A DISTANCE OF 451.10 FEET TO THE SOUTH LINE  
OF SAID LOT 12, BLOCK 1; THENCE BEARING S89°06'02"W, ALONG THE  
SAID SOUTH LINE, A DISTANCE OF 358.00 FEET TO THE POINT OF  
BEGINNING.

**TRACT "B"**

LOT 12, BLOCK 1, THE GATEWAY CENTER 2ND ADDITION, TO WICHITA,  
SEDGWICK COUNTY, KANSAS EXCEPT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK 1;  
THENCE BEARING N01°03'27"W, ALONG THE WEST LINE OF SAID LOT 12,  
A DISTANCE OF 427.00 FEET; THENCE BEARING N89°06'02"E, A DISTANCE  
OF 206.59 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG  
SAID CURVE HAVING A RADIUS OF 487.24 FEET; THROUGH A CENTRAL  
ANGLE OF 18°05'48", AN ARC DISTANCE OF 153.89 FEET; THENCE  
BEARING S01°03'27"E, A DISTANCE OF 451.10 FEET TO THE SOUTH LINE  
OF SAID LOT 12, BLOCK 1; THENCE BEARING S89°06'02"W, ALONG THE  
SAID SOUTH LINE, A DISTANCE OF 358.00 TO THE POINT OF BEGINNING.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis: That TRACT "A" and TRACT "B" shall each pay ½ of the cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a

preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_,  
2008

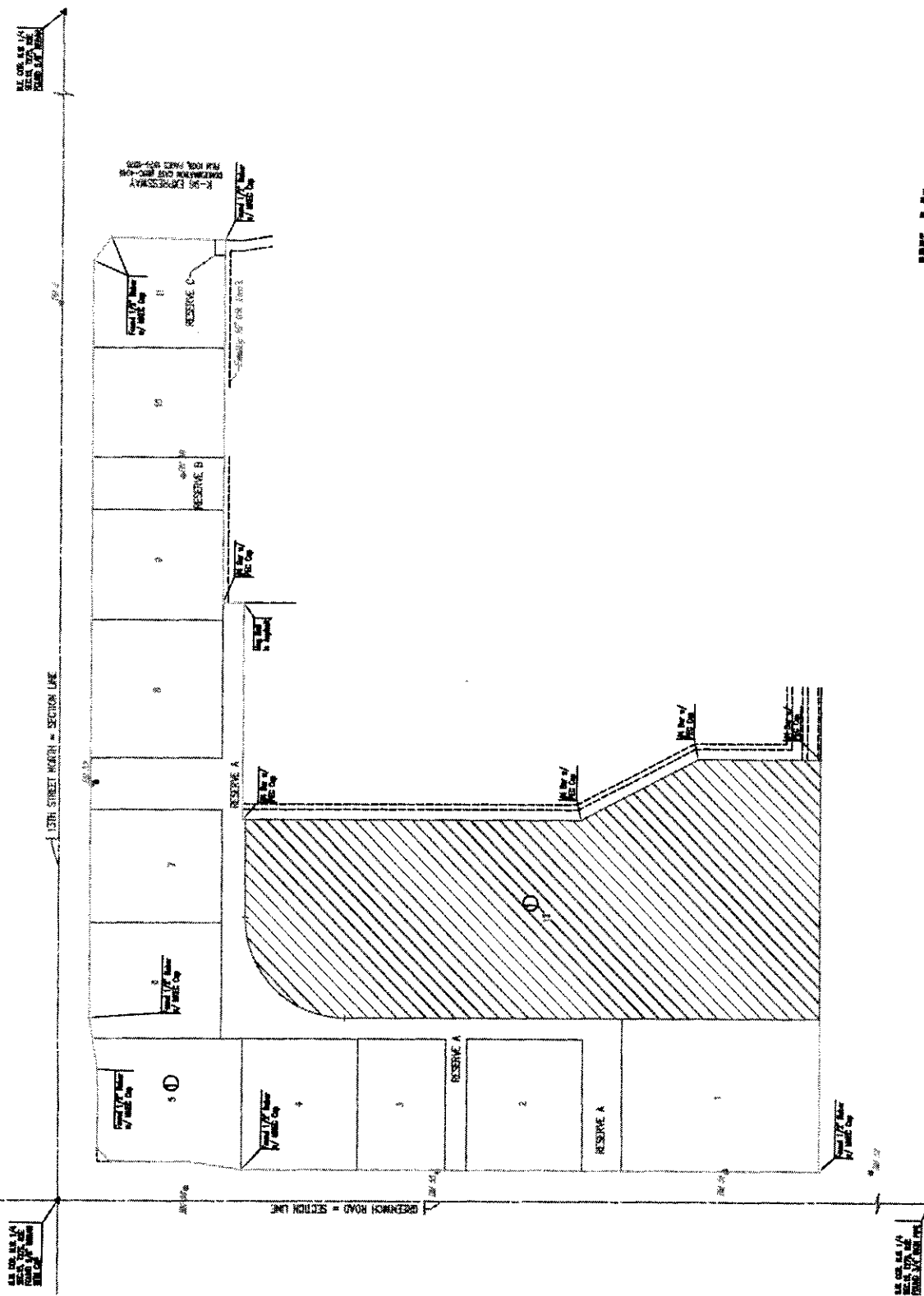
\_\_\_\_\_  
CARL BREWER, MAYOR


ATTEST:

\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK  
(SEAL)



# THE GATEWAY CENTER 2ND ADDITION






PROPOSED IMPROVEMENT DISTRICT 

(ACTUAL ALIGNMENT TO BE  
DETERMINED BY DESIGN ENGINEER)



| CAPITAL IMPROVEMENT<br>PROJECT AUTHORIZATION<br>CITY OF WICHITA  |                               |                                    |   |          |
|--|-------------------------------|------------------------------------|---|----------|
| <div style="display: flex; justify-content: space-between;"> <div> <p>USE:</p> <p>To Initiate Project <input checked="" type="checkbox"/></p> <p>To Revise Project <input type="checkbox"/></p> </div> <div> <p>1. Prepare in triplicate</p> <p>2. Send original &amp; 2 copies to budget.</p> <p>3. City Manager to sign all copies.</p> <p>4. File original w/ initiating resolution in City Clerk.</p> <p>5. Return 2nd copy to initiating department.</p> <p>6. Send 3rd copy to Controller.</p> </div> </div> |                               |                                    |   |          |
| 1. Initiating Department<br>Public Works   | 2. Initiating Division<br>Eng | 3. Date<br>2/23/2008               | 4. Project Description & Location<br>Sanitary Sewer for part of Gateway Center 2nd Addition |          |
| 5. CIP Project Number<br>NI-200424   | 6. Accounting Number          | 7. CIP Project Date (Year)<br>2008 | 8. Approved by WCC Date   |          |
| 9. Estimated Start Date  | 10. Estimated Completion Date |                                    | 11. Project Revised   |          |
| As Required  | As Required                   |                                    |   |          |
| 12. Project Cost Estimate  |                               |                                    |   |          |
| ITEM   | GO                            | SA                                 | OTHER *   | TOTAL    |
| Right of Way   |                               |                                    |   |          |
| Paving, grading & const.   |                               |                                    |   |          |
| Bridge & Culverts  |                               |                                    |   |          |
| Drainage   |                               |                                    |   |          |
| Sanitary Sewer   |                               | \$20,500                           |   | \$20,500 |
| Sidewalk   |                               |                                    |   |          |
| Water  |                               |                                    |   |          |
| Other  |                               |                                    |   |          |
| Totals   |                               | \$20,500                           |   | \$20,500 |
| Total CIP Amount Budgeted  |                               |                                    |   | \$20,500 |
| Total Prelim. Estimate   |                               |                                    |   |          |
| 13. Recommendation: Approve the petition and adopt the Resolution  |                               |                                    |   |          |
| <div style="display: flex; justify-content: space-between;"> <div> <p>Division Head</p> <p><i>Jan Aronson</i></p> </div> <div> <p>Department Head</p> <p><i>John M. Con...</i></p> </div> <div> <p>Budget Officer</p> <p><i>Catherine A. Hill</i></p> </div> <div> <p>City Manager</p> <p><i>4/28/2008</i></p> </div> </div>   |                               |                                    |   |          |

| CAPITAL IMPROVEMENT   |                               |  |   |  |
|---|-------------------------------|--|---|--|
| PROJECT AUTHORIZATION   |                               |  |   |  |
| CITY OF WICHITA   |                               |  |   |  |
| USE:<br>To Initiate Project <input type="checkbox"/><br>To Revise Project <input checked="" type="checkbox"/> |                               | 1. Prepare in triplicate<br><br>3. City Manager to sign all copies.<br>4. File original w/ initiating resolution in City Clerk.<br>5. Return 2nd copy to initiating department.<br>6. Send 3rd copy to Controller. |   |  |
| 1. Initiating Department<br>Public Works  | 2. Initiating Division<br>Eng | 3. Date<br>4/15/2008   | 4. Project Description & Location<br>Water Distribution System in Gateway Center 2nd Addition |  |
| 5. CIP Project Number<br>NI-200424  | 6. Accounting Number          | 7. CIP Project Date (Year)<br>2008   | 8. Approved by WCC Date   |  |
| 9. Estimated Start Date   | 10. Estimated Completion Date |  | 11. Project Revised   |  |
| As Required   |                               |  |   |  |
| 12. Project Cost Estimate   |                               |  |   |  |
| ITEM  | GO                            | SA   | OTHER *   | TOTAL  |
| Right of Way  |                               |  |   |  |
| Paving, grading & const.  |                               |  |   |  |
| Bridge & Culverts   |                               |  |   |  |
| Drainage  |                               |  |   |  |
| Sanitary Sewer  |                               |  |   |  |
| Sidewalk  |                               |  |   |  |
| Water   |                               | \$16,000   |   | \$16,000   |
| Other   |                               |  |   |  |
| Totals  |                               | \$16,000   |   | \$16,000   |
| Total CIP Amount Budgeted   |                               |  |   |  |
| Total Prelim. Estimate  |                               |  |   |  |
| 13. Recommendation: Approve the Petition and adopt the Resolution   |                               |  |   |  |
| Division Head            |                               | Department Head   |   | Budget Officer  |
|   |                               |  |   | City Manager   |
|   |                               |  |   | Date   |
|   |                               |  |   | Date   |

RECEIVED

**SANITARY SEWER PETITION**  
(04/10/08)

APR 16 '08

To the Mayor and City Council  
Wichita, Kansas

CITY CLERK OFFICE

Dear Council Members:

1. We, the undersigned owners of record as below designated, of lots, parcels, and tracts of real property lying within the area described generally as follows:

TRACT "A"

A PORTION OF LOT 12, BLOCK 1, THE GATEWAY CENTER 2ND ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK 1; THENCE BEARING N01°03'27"W, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 427.00 FEET; THENCE BEARING N89°06'02"E, A DISTANCE OF 206.59 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 487.24 FEET, THROUGH A CENTRAL ANGLE OF 18°05'48", AN ARC DISTANCE OF 153.89 FEET; THENCE BEARING S01°03'27"E, A DISTANCE OF 451.10 FEET TO THE SOUTH LINE OF SAID LOT 12, BLOCK 1; THENCE BEARING S89°06'02"W, ALONG THE SAID SOUTH LINE, A DISTANCE OF 358.00 FEET TO THE POINT OF BEGINNING.

do hereby petition pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended as follows:

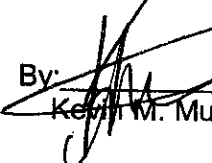
- (a) That there be constructed a lateral sanitary sewer to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the City of Wichita, Kansas.
- (b) That the estimated and probable cost of the lateral sanitary sewer is Twenty Thousand Five Hundred Dollars (\$20,500.00), 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after May 1, 2008. That this petition may be combined with other petitions of similar nature to form one public improvement project.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.
- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a square foot basis, the same to be assessed as a percentage on the total cost payable by the improvement district as follows:

Tract "A" shall pay 100% of the cost payable by the improvement district.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

- (e) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of any assistance available through the Special Assessment Deferral Program, in accordance with City of Wichita Ord. No. 38-559.
2. (a) It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.
- (b) Signatures on this petition are made with full knowledge and understanding that said signatures constitute a waiver of the limitations contained in K.S.A. 12-1013, which appear to limit the assessment for a lateral sewer to not more than one lateral sewer.
3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.
4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable to be assessed under the proposal. The Governing Body is requested to proceed in the manner provided by law to the end that the petitioned improvements may be expeditiously completed and placed in use if and when such improvements are necessary to serve any building which is or may be constructed on the real property after the date on this petition.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

| LEGAL DESCRIPTION | SIGNATURE  | DATE    |
|-------------------|--|---------|
| <u>TRACT "A"</u>  | GATEWAY CENTER, LLC<br>By: <br>Kevin M. Mullen, President | 4/15/09 |

## AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Rob Hartman  
Name

303 S. Topeka, Wichita KS 67202  
Address

(316) 262-2691  
Telephone No.

Sworn to and subscribed before me this 16<sup>th</sup> day of April,  
2008.



Deborah C. Gadlock  
Deputy City Clerk

5  
RECEIVED

WATER DISTRIBUTION SYSTEM PETITION  
(04/10/08)

APR 16 '08

To the Mayor and City Council  
Wichita, Kansas

CITY CLERK'S OFFICE

Dear Council Members:

1. We, the undersigned owners of record as below designated, of Lots, Parcels, and Tracts of real property described as follows:

448-90384

TRACT "A"

A PORTION OF LOT 12, BLOCK 1, THE GATEWAY CENTER 2<sup>ND</sup> ADDITION, AN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK 1; THENCE BEARING N01°03'27"W, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 427.00 FEET; THENCE BEARING N89°06'02"E, A DISTANCE OF 206.59 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING RADIUS OF 487.24 FEET, THROUGH A CENTRAL ANGLE OF 18°04'48", AN ARC DISTANCE OF 153.89 FEET; THENCE BEARING S01°03'27"E, A DISTANCE OF 451.10 FEET TO THE SOUTH LINE OF SAID LOT 12, BLOCK 1; THENCE BEARING S89°06'02"W, ALONG THE SAID SOUTH LINE, A DISTANCE OF 358.00 FEET TO THE POINT OF BEGINNING.

TRACT "B"

LOT 12, BLOCK 1, THE GATEWAY CENTER 2<sup>ND</sup> ADDITION, TO WICHITA, SEDGWICK COUNTY, KANSAS EXCEPT:  
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK 1; THENCE BEARING N01°03'27"W, ALONG THE WEST LINE OF SAID LOT 12, A DISTANCE OF 427.00 FEET; THENCE BEARING N89°06'02"E, A DISTANCE OF 206.59 FEET TO THE P.C. OF A CURVE TO THE LEFT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 487.24 FEET; THROUGH A CENTRAL ANGLE OF 18°05'48", AN ARC DISTANCE OF 153.89 FEET; THENCE BEARING S01°03'27"E, A DISTANCE OF 451.10 FEET TO THE SOUTH LINE OF SAID LOT 12, BLOCK 1; THENCE BEARING S89°06'02"W, ALONG THE SAID SOUTH LINE, A DISTANCE OF 358.00 TO THE POINT OF BEGINNING.

do hereby petition, pursuant to the provisions of K.S.A. 12-6a01 et seq., as amended, as follows:

- (a) That there be constructed a water distribution system, including necessary water mains, pipes, valves, hydrants, meters and appurtenances to serve the area described above, according to plans and specifications to be furnished by the City Engineer of the

City of Wichita, Kansas.

- (b) That the estimated and probable cost of the foregoing improvements being Sixteen Thousand Dollars (\$16,000.00), with 100% percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro rata rate of 1 percent per month from and after May 1, 2008.
- (c) That the land or area above described be constituted as an improvement district against which shall be assessed 100 percent of the total actual cost of the improvement for which the improvement district is liable.

If this improvement is abandoned, altered and/or constructed privately in part or whole that precludes building this improvement under the authority of this petition, any costs that the City of Wichita incurs shall be assessed to the property described above in accordance with the terms of the petition. In addition, if the improvement is abandoned at any state during the design and/or construction of the improvement or if it is necessary for the City of Wichita to redesign, repair or reconstruct the improvement after its initial design and/or construction because the design or construction does not meet the requirements of the City, then such costs associated with the redesign, repair or reconstruction of said improvement shall be assessed to the property described above in accordance with the terms of this petition.

- (d) That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis.

That Tract "A" and "B" shall each pay  $\frac{1}{2}$  of the cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

2. It is requested that the improvement hereby petitioned be made without notice and hearing, which, but for this request, would be required by K.S.A. 12-6a04.

3. That names may not be withdrawn from this petition by the signers thereof after the Governing Body commences consideration of the petition or later than seven (7) days after filing, whichever occurs first.


4. That when this petition has been filed with the City Clerk and it has been certified that the signatures thereon are according to the records of the Register of Deeds of Sedgwick County, Kansas, the petition may be found sufficient if signed by either (1) a



majority of the resident owners of record of property liable for assessment under the proposal, or (2) the resident owners of record of more than one-half of the area liable for assessment under the proposal, or (3) the owners of record (whether resident or not) of more than one-half of the area liable for assessment under the proposal. The Governing Body is requested to proceed in the manner provided by statute to the end that the petitioned improvements may be expeditiously completed and placed in use.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

WITNESS our signatures attached with respect to each of which is indicated the property owned and the date of signing.

| <u>LEGAL DESCRIPTION</u> | <u>SIGNATURE</u>   | <u>DATE</u> |
|--------------------------|--|-------------|
| <u>TRACT "A"</u>         | GATEWAY CENTER, LLC  |             |
| <u>TRACT "B"</u>         | By: <br>Kevin M. Mullen, President | 4/15/08     |

## AFFIDAVIT

The undersigned, being duly sworn on his oath, states: That he circulated the attached petition and that the signatures thereon are the genuine signatures of the persons they purport to be the best of his knowledge and belief, being signed either in the presence of the undersigned or in the presence of one of the resident owners whose signature appears on the petition.

Rat Hutton  
Name

303 S. Topeka, Wichita KS 67202  
Address

(316) 262-2691  
Telephone No.

Sworn to and subscribed before me this 16<sup>th</sup> day of April, 2008.



Deborah A. Gadlock  
Deputy City Clerk

**Agenda Item No. 28a.**

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and City Council

**SUBJECT:** Agreement to Respread Assessments: Waterfront Residential Addition (north of 13<sup>th</sup> Street North, east of Greenwich) (District II)

**INITIATED BY:** Department of Finance

**AGENDA:** Consent

---

**Recommendation:** Approve the cancellation of the Agreement.

**Background:** The landowner, Waterfront Residential Co., LLC, has not recorded the plat of the Waterfront Residential Addition, and will be unable to respread assessments as intended. The landowner wishes to cancel the agreement and resubmit at a later date.

**Analysis:** The land was originally included in an improvement district for a sanitary sewer lateral project. The purpose of the Agreement was intended to respread special assessments on a fractional basis for each lot.

**Financial Considerations:** There is no cost to the City.

**Goal Impact:** The City of Wichita aggressively uses special assessments to lower the cost of residential developments. In doing so, the City's program satisfies the City Council's goal to promote Economic Vitality and Affordable Living. The program supports this goal through partnering with stakeholders in the development community and sustains affordable living by lowering the costs of home ownership.

**Legal Considerations:** Law has determined cancellation is the appropriate way to accomplish what the landowner is now requesting.

**Recommendations/Actions:** It is recommended that the City Council cancel the Agreement and authorize the necessary signatures.

**Attachments:** One original and 14 copies of the Respread Agreement.

AGREEMENT  
BY AND BETWEEN

**ORIGINAL**

**THE CITY OF WICHITA, KANSAS**

Party of the First Part

And

**WATERFRONT RESIDENTIAL CO., LLC**

Party of the Second Part

WHEREAS, Party of the First Part has constructed certain municipal Improvements in the area east of Webb Road, on the north side of 13<sup>th</sup> Street, within the City Limits of the City of Wichita; and

WHEREAS, Party of the Second Part is the landowner of all or part of improvement districts; and desires that a reassessment be made; and

WHEREAS, Party of the Second Part has platted Waterfront Residential Addition; and

WHEREAS, Party of the First Part and Party of the Second Part are both desirous of accomplishing such a reassessment.

Now, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties agree as follows:

1. Key Number MI-50-2 and Key Number C0070901UP were part of the improvement district for the following city projects:  
  
Sanitary Sewer – Project No. 468-84124
2. The Parties agree to make a reassessment for said projects in the following manner:  
  
Lots 1 through 64, Block 1, Lots 1 through 4, Block 2, and Lots 1 through 5, Block 3, Waterfront Residential Addition shall pay 100% of the original total cost apportioned based on equal fractions (1/73).
3. The Party of the Second Part is the owner of the property described in Section One above and said Party of the Second Part hereby waives the notice and hearing requirements of K.S.A. 12-6a12 (b) with respect to the reassessment herein described.
4. The Party of the Second Part further waives their right to appeal the special assessments for the above mentioned projects (including the described reassessment) and agree that no suit to set aside said assessment shall be brought by them nor shall they in any other way bring an action to question the validity of the proceedings taken by the Party of the First Part in levying the special assessments therefore.

5. The Party of the Second Part further agrees that they will indemnify the Party of the First Part against any and all costs, expenses, claims and adjustments for which the Party of the First Part is held responsible or which are entered against the Party of the First Part arising out of or as a result of the reassessment herein described.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the 15<sup>th</sup> day of April, 2007.

THE CITY OF WICHITA, KANSAS



A large, stylized signature of Carl Brewer.

Carl Brewer, Mayor  
Party of the First Part

Approved as to form:

Dary E. Releventy, Jr. D.K.M.  
Director of Law

Attest:

Karen Sobloth, cmc  
City Clerk

STATE OF KANSAS     }  
SEDGWICK COUNTY    }     SS:

BE IT REMEMBERED, that on this 15<sup>th</sup> day of April, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Carl Brewer, Mayor, The City of Wichita, a Municipal Corporation, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Deborah A Tadlock  
Notary Public

Notary Public State of Kansas  
Deborah A Tadlock  
My Appt Exp 7-15-18

My Appointment Expires: \_\_\_\_\_

WATERFRONT RESIDENTIAL CO., LLC  
A Kansas Limited Liability Company

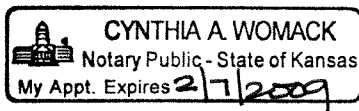
By: \_\_\_\_\_

Rob Ramseyer, Vice President  
Ritchie Development Corporation, Manager

STATE OF KANSAS     }  
SEDGWICK COUNTY }     SS:

BE IT REMEMBERED, that on this 21 day of September, 2007, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Rob Ramseyer, Vice President, Ritchie Development Corporation, Manager, Waterfront Residential Co., LLC, a Kansas Limited Liability Company, personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged to me the execution of the same, for and on behalf, and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.



Cynthia A. Womack  
Notary Public

My Appointment Expires: February 7, 2009

City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council Members

**SUBJECT:** Supplemental Agreement for Design Services for the Intersection of Douglas & Oliver (District II)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

-----

**Recommendation:** Approve the Supplemental Agreement.

**Background:** On May 6, 2003, the City entered into an Agreement with K.E. Miller Engineering, P.A. to design improvements to the intersection of Douglas & Oliver. The fee was \$42,000.

**Analysis:** During the course of design, ornamental streetlights were requested by adjacent property owners in accordance with the East Douglas Design District committee, a special artist rendering of the proposed improvement was requested for presentation to adjacent property owners and additional concepts beyond the normal scope were drawn for presentation before a concept was found to be palatable to the neighborhood. A Supplemental Agreement has been prepared with K.E. Miller for the additional design services.

**Financial Considerations:** Payment to K.E. Miller will be on a lump sum basis of \$22,000 and will be paid by General Obligation Bonds.

**Goal Impact:** This project addresses the Efficient Infrastructure goal by improving traffic flow through a major traffic corridor.

**Legal Considerations:** The Supplemental Agreement has been approved as to form by the Law Department.

**Recommendation/Action:** It is recommended that the City Council approve the Supplemental Agreement and authorize the necessary signatures.

**Attachments:** Supplemental Agreement

SUPPLEMENTAL AGREEMENT  
TO THE  
AGREEMENT FOR PROFESSIONAL SERVICES DATED MAY 6, 2003  
BETWEEN  
THE CITY OF WICHITA, KANSAS  
PARTY OF THE FIRST PART, HEREINAFTER CALLED THE  
"CITY"  
AND  
K.E. MILLER ENGINEERING, P.A.  
PARTY OF THE SECOND PART, HEREINAFTER CALLED THE  
"ENGINEER"

WITNESSETH:

WHEREAS, there now exists a Contract (dated May 6, 2003) between the two parties covering engineering services to be provided by the ENGINEER in conjunction with the construction of improvements to **DOUGLAS AND OLIVER INTERSECTION**.

WHEREAS, Paragraph IV. B. of the above referenced Contract provides that additional work be performed and additional compensation be paid on the basis of a Supplemental Agreement duly entered into by the parties, and

WHEREAS, it is the desire of both parties that the ENGINEER provide additional services required for the PROJECT and receive additional compensation (as revised herein):

NOW THEREFORE, the parties hereto mutually agree as follows:

A. PROJECT DESCRIPTION

The description of the improvements that the CITY intends to construct and thereafter called the "PROJECT" as stated on page 1 of the above referenced agreement is hereby amended to include the following:

- Plan revisions (alignment revised).
- Perspective drawing of intersection.
- Special lighting plans.
- Notice of intent to KDHE.

B. PAYMENT PROVISIONS



The fee in Section IV. A. shall be amended to include the following:

Payment to the ENGINEER for the performance of the professional services as outlined in this supplemental agreement shall be made on the basis of the lump sum fee amount of **\$22,000.00.**

C. COMPLETION

The ENGINEER agrees to complete and deliver the field notes, preliminary and final plans (including final tracings), specifications and estimates to the CITY by **April 30, 2008**; EXCEPT that the ENGINEER shall not be responsible or held liable for delays occasioned by the actions or inactions of the CITY or other agencies, or for other unavoidable delays beyond the control of the ENGINEER.

D. PROVISIONS OF THE ORIGINAL CONTRACT

The parties hereunto mutually agree that all provisions and requirements of the existing Contract, not specifically modified by this Supplemental Agreement, shall remain in force and effect.

IN WITNESS WHEREOF, the CITY and the ENGINEER have executed this Supplemental Agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

BY ACTION OF THE CITY COUNCIL

\_\_\_\_\_  
Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

Approved as to Form:

\_\_\_\_\_  
Gary Rebenstorf, Director of Law

K.E. MILLER ENGINEERING, P.A.

\_\_\_\_\_  
(Name and Title)

ATTEST:

\_\_\_\_\_



City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council

**SUBJECT:** Hess Electrical Improvements - Change Order

**INITIATED BY:** Water Utilities

**AGENDA:** Consent Agenda

---

**Recommendation:** Approve Change Order No. 1 with Shelley Electric, Inc.

**Background:** On November 20, 2007, the City Council approved a Contract with Shelley Electric, Inc. to construct electrical improvements to the Hess Pump Station

**Analysis:** Hess Pump Station is a vital component of the City's water system. This project will replace three (3) of the pump station's eight (8) motors, replace two (2) variable speed drives and replace most of the electrical components in the pump station. Change Order No. 1 includes modifications to the cooling water piping to all eight motors and a change in the type of pressure-reducing valve to be used in the piping. Included will be the addition of a temporary circuit to facilitate operation of one of the pumps during the construction period.

**Financial Considerations:** The original Contract was for \$2,476,425. The modifications and pressure-reducing valve for the cooling water piping will increase the Contract by \$17,112 and the addition of the temporary circuit will add \$488. The Change Order will increase the Contract by \$17,600, or 0.7 percent to \$2,494,025. Funds are available for the project in CIP W-902, Hess Electrical Improvements.

**Goal Impact:** The Change Order will ensure efficient infrastructure by providing reliable, compliant and secure utilities. The project helps assure that adequate water pressures are maintained in the distribution system.

**Legal Considerations:** City Council approval is required for Change Orders in excess of \$10,000. The Law Department has approved the Change Order as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the Change Order and authorize the necessary signatures.

**Attachments:** Change Order No. 1 with Shelley Electric, Inc.



10.1.47.69\_EXC  
NGE\_04302008-

CITY OF WICHITA, KANSAS  
HESS PUMPING STATION ELECTRICAL IMPROVEMENTS

CHANGE ORDER NO. 1

This Change Order No. 1 covers adjustments to the Contract Price and Contract Time which resulted from the changes in the work described herein.

ITEM CO1-1. REQUEST FOR PROPOSAL NO. 1 -- Motor Cooling Piping Valves

Initiated by: Owner/Engineer

This change includes the addition of a bypass to the motor water cooling piping with relief valves for all eight pumps and changing the specified manufacturer of the pressure reducing valve to Spence type D36 water pressure reducing valve. This change results in an increase in Contract Price of \$17,112.00, and no change in Contract Time.

ITEM CO1-2. REQUEST FOR PROPOSAL NO. 2 -- Pump 8 Breaker Modifications

Initiated by: Engineer

This change includes the addition of circuit number APIC3-5 as a temporary circuit for Phase 1 to be removed in Phase 2 after AFD-3 is no longer being fed from pump 8 breaker. This change results in an increase in Contract Price of \$488.00, and no change in Contract Time.

CITY OF WICHITA, KANSAS  
HESS PUMPING STATION ELECTRICAL IMPROVEMENTS

CHANGE ORDER NO. 1

COST SUMMARY

The Contract Price shall be modified as follows as a result of the changes described by this modification request. Additions to the Contract amount are indicated by a "+" in front of the amount, deductions by a "-".

| <u>Item</u>                       | <u>Description</u>                       | <u>Increase/Decrease<br/>In Contract Price<br/>(+/-)</u> |
|-----------------------------------|--|--|
| CO1-1                             | RFP No. 1 – Motor Cooling Piping Valves  | +\$17,112.0  |
| CO1-2                             | RFP No. 2 – Pump 8 Breaker Modifications | -\$488.0   |
| NET CHANGE IN CONTRACT PRICE      |  | \$+17,600.0  |
| BID AMOUNT OF ORIGINAL CONTRACT   |  | \$2,476,425.0  |
| PREVIOUS CHANGE ORDER ADJUSTMENTS |  | \$0.0  |
| CURRENT CONTRACT AMOUNT           |  | \$2,476,425.0  |
| CHANGE ORDER NO. 1                |  | +\$17,600.0  |
| ADJUSTED CONTRACT AMOUNT          |  | \$2,494,025.0  |

CITY OF WICHITA, KANSAS  
HESS PUMPING STATION ELECTRICAL IMPROVEMENTS

CHANGE ORDER NO. 1

TIME SUMMARY

There shall be no adjustments in Contract Times as a result of the changes identified above.

This change order includes all costs, direct, indirect, and consequential, and all changes in contract time arising from the work included in items CO1-1 through CO1-2. No additional claims shall be made for changes in contract price or contract time arising from this work items except as allowed by final quantity adjustment based on unit price work items.

All other provisions of the contract remain unchanged.

Agreed to this 21 day of April, 2008

Approved:  
Shelley Electric

By: Jodi R. Draffenried

Date: 4/21/08

Approved:  
City of Wichita

By: \_\_\_\_\_

Date: \_\_\_\_\_

APPROVE AS TO FORM:

Gary E. Rebenstorf, Esq.  
Gary E. Rebenstorf  
Director of Law





**Senior Management Expenses  
For the Month of April 2008**

| <b>Employee by Department</b>                           | <b>Purpose</b>   | <b>Amount</b>       |
|---|--|---------------------|
| <b>01-City Manager Staff</b>                            |  |                     |
| Cathy Holdeman, Assistant City Manager                  | City & County Management Conference, Lawrence KS         | \$ 635.98           |
| Scott Moore, Assistant City Manager                     | City & County Management Conference, Lawrence KS         | 513.15              |
| <b>04-Law</b>   |  |                     |
| Gary Rebenstorf, Director of Law                        | Int'l Municipal Lawyers Association, Washington DC       | 1,772.03            |
| <b>06-Information Technology</b>                        |  |                     |
| Jim Norris, Director of IT IS                           | Interop Software Conference, Las Vegas NV                | 5,602.82            |
| <b>08-Police</b>  |  |                     |
| Terri Moses, Deputy Police Chief                        | Governor's Task Force on Racial Profiling, Dodge City KS | 154.04              |
| <b>13-Public Works</b>                                  |  |                     |
| Joe Pajor, Assistant Director of Public Works           | Culvert, Drainage & Levee Workshop, Hutchinson KS        | 94.75               |
| Joe Pajor, Assistant Director of Public Works           | Signalized Intersection Guidebook Workshop, Lawrence KS  | 356.61              |
| Jim Armour, City Engineer                               | 2008 Ks Transportation Engineering Conf., Manhattan KS   | 442.96              |
| <b>15-Planning</b>                                      |  |                     |
| John Schlegel, Director of Planning                     | 100th National Planning Conference, Las Vegas NV         | 2,074.32            |
| Dave Barber, Land Use Manager                           | 100th National Planning Conference, Las Vegas NV         | 2,120.20            |
| Nancy Harvieux, Transportation Manager                  | 100th National Planning Conference, Las Vegas NV         | 2,347.00            |
| Dale Miller, Current Plans Manager                      | 100th National Planning Conference, Las Vegas NV         | 2,120.20            |
| <b>18-Water and Sewer</b>                               |  |                     |
| David Warren, Director of Water & Sewer                 | KWEA 63rd Annual Conference, Topeka KS                   | 286.35              |
| Bill Perkins, Superintendent Water Production & Pumping | KWEA 63rd Annual Conference, Topeka KS                   | 653.81              |
| <b>19-Airport</b>                                       |  |                     |
| Brad Christopher, Assistant Director of Airports        | 2008 SCC-AAAE & OAOA Joint Conference, Tulsa OK          | 450.76              |
| John Oswald, Engineering & Planning Manager             | AAAE Annual GIS Conference, Nashville TN                 | 1,756.91            |
| <b>Total</b>  |  | <b>\$ 21,381.89</b> |

**CONTRACTS & AGREEMENTS  
BLANKET PURCHASE ORDERS RENEWAL OPTIONS  
APRIL 2008**

| COMMODITY TITLE   | EXPIRATION | VENDOR NAME                                | DEPARTMENT         | ORIGINAL              | RENEWAL OPTIONS    |
|---|------------|--|--------------------|-----------------------|--------------------|
|   | DATE       |  |                    | CONTRACT DATES        | REMAINING          |
| Ammunition, .40 Caliber Manufactured  | 4/30/2009  | Ultramax Ammunition                        | Police             | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Bicycle Services:Parts & Repair   | 4/30/2009  | Bicycle X-Change Shops                     | Police             | 5/1/1998 - 4/30/1999  | Annual basis       |
| Elevator Maintenance  | 4/30/2008  | Kone, Inc.                                 | Various            | 5/1/2005 - 4/30/2006  | 2 - 1 year options |
| Filter Fly Control Chemicals  | 4/30/2009  | Precision Control Technology, Inc.         | Water Utilities    | 5/13/2003 - 4/30/2004 | Annual basis       |
| Glass Beads for Traffic Line Paint  | 4/30/2009  | Weissker Manufacturing, L.P.               | Public Works       | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Janitorial Services - Branch Libraries  | 4/30/2009  | His & Hers Cleaning                        | Library            | 5/8/2007 - 4/30/2008  | 1 - 1 year option  |
| Liquid Chlorine - Bulk Delivery   | 4/30/2009  | Brenntag Southwest, Inc.                   | Water Utilities    | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Meter Boxes - 21" Polyvinyl Chloride  | 4/30/2009  | Water Products Inc.                        | Water Utilities    | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Motorola Audio Radio Accessories  | 4/30/2009  | First Wireless, Inc.                       | Police             | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Mowing, Trimming & Maintenance of Cemeteries                                    | 4/30/2009  | Arguelles Lawn Service                     | Parks & Recreation | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Office Supplies (General)   | 4/30/2009  | Office Depot                               | Finance            | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Parking - Operation of Public Parking Facility at Wichita Mid-Continent Airport | 4/30/2009  | Ampco System Parking                       | Airport            | 5/1/2005 - 4/30/2008  | 1 - 1 year option  |
| Police Cycling Helmets and Gloves   | 4/30/2009  | Bicycle X-Change Shops                     | Police             | 5/1/2003 - 4/30/2004  | Annual basis       |
| Special Liquor Tax Funds Administration   | 4/4/2009   | Comcare-Sedgwick County, Kansas            | City Manager       | 4/5/2007 - 4/4/2008   | 1 - 1 year option  |
| Traffic Loop Detector Sealant   | 4/30/2008  | Mid American Signal                        | Public Works       | 5/1/2007 - 4/30/2008  | 2 - 1 year options |
| Transportation Services - (SOD) Summer of Discovery Program                     | 4/30/2009  | Durham School Services                     | Parks & Recreation | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Waste - Disposal of Analytical Lab  | 4/30/2008  | Clean Harbors Environmental Services, Inc. | Water Utilities    | 5/1/2006 - 4/30/2007  | 1 - 1 year option  |
| Water Utility Service Lines Installation  | 4/30/2009  | Duling Construction Company, Inc.          | Water Utilities    | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |
| Waterwork Supplies - Group 1 and Group 4  | 4/30/2008  | Wichita Winwater Works Co.                 | Water Utilities    | 5/8/2007 - 4/30/2008  | 2 - 1 year options |
| Waterwork Supplies - Group 2 and Group 5  | 4/30/2008  | Water Products, Inc.                       | Water Utilities    | 5/8/2007 - 4/30/2008  | 2 - 1 year options |
| Water Work Supplies - Group 3, 6 & 7  | 4/30/2008  | HD Supply Waterworks                       | Water Utilities    | 5/8/2007 - 4/30/2008  | 2 - 1 year options |
| Window Cleaning Services - Airport  | 4/30/2009  | EH Technical Solutions                     | Airport            | 5/1/2007 - 4/30/2008  | 1 - 1 year option  |

**PROFESSIONAL CONTRACTS UNDER \$25,000**

| VENDOR NAME                       | DOCUMENT NO | DOCUMENT TITLE               | AMOUNT    |  |  |
|-----------------------------------|-------------|------------------------------|-----------|--|--|
| MKEC Engineering Consultants Inc. | PO800332    | Engineering Consulting       | 11,250.00 |  |  |
| MKEC Engineering Consultants Inc. | PO800378    | Engineering Consulting       | 24,600.00 |  |  |
| Richard B Kraybill                | PO800382    | Engineering Consulting       | 4,200.00  |  |  |
| Springsted Incorporated           | PO800384    | Finance/Economics Consulting | 15,000.00 |  |  |
| Certified Engineering Design      | PO800419    | Engineering Consulting       | 18,806.00 |  |  |
| Baughman Co.                      | PO800426    | Engineering Consulting       | 15,400.00 |  |  |
| Baughman Co.                      | PO800452    | Engineering Consulting       | 21,400.00 |  |  |
| Baughman Co.                      | PO800459    | Engineering Consulting       | 21,400.00 |  |  |
| Ruggles & Bohm PA                 | PO800460    | Engineering Consulting       | 23,700.00 |  |  |
| Baughman Co.                      | PO800461    | Engineering Consulting       | 9,500.00  |  |  |
| KE Miller Engineering PA          | PO800462    | Engineering Consulting       | 3,000.00  |  |  |

**ANNUAL MAINTENANCE CONTRACTS OVER \$25,000  
DIRECT PURCHASE ORDERS FOR APRIL 2008**

| VENDOR NAME | DOCUMENT NO | DOCUMENT TITLE | AMOUNT |  |  |
|-------------|-------------|----------------|--------|--|--|
|             |             |                |        |  |  |
|             |             |                |        |  |  |
|             |             |                |        |  |  |
|             |             |                |        |  |  |





For May 13, 2008 – City Council Meeting

Proposed Assessment Rolls

Proposed Assessment Roll has been prepared for one (1) sewer project and it is necessary to set a public hearing date. Notification of the public hearing regarding the proposed special assessment will be mailed to affected property owners on May 9, 2008.

RECOMMENDED ACTION:                      Set the hearing on the Proposed Assessment  
Roll for 9:30 a.m., Tuesday, May 20, 2008,

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and City Council

**SUBJECT:** Easement Encroachment Agreement (District II)

**INITIATED BY:** Water Utilities

**AGENDA:** Consent

---

**Recommendation:** Approve the Easement Encroachment Agreement.

**Analysis:** The Agreement allows Shelley and John Taylor at 918 North Stratford Road to occupy and construct, improvements on, over, and across a platted 8 foot utility easement described as the east 8-feet of Lot 3, Replat of Blk. S, 1<sup>st</sup> Addition to Woodlawn Village, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is a 14-foot by 24-foot permanent wood shed structure in above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

**Goal:** The Easement Encroachment Agreement is necessary to ensure efficient infrastructure by maintaining the sanitary sewer system in northeast Wichita.

**Financial Considerations:** There are no financial considerations.

**Legal Considerations:** The Law Department has reviewed the Easement Encroachment Agreement and approved it as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the Agreement and authorize the necessary signatures.

**Attachments:** Hold Harmless Agreement with maps.



OCA #185017

### AGREEMENT

THIS AGREEMENT made this 22 day of Jan, 2008, BY AND BETWEEN

THE CITY OF WICHITA, KANSAS  
hereinafter called  
"PARTY OF THE FIRST PART"

AND

Shelley & John Taylor  
918 N. Stratford Road  
Wichita, Kansas

hereinafter called  
"PARTY OF THE SECOND PART"

WITNESSETH:

Whereas, the public has granted the following: a public utility easement 8 feet in width describe as the east 8-feet of Lot 3, Replat of Blk. S, 1<sup>st</sup> Addition to Woodlawn Village.  
and

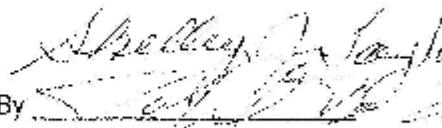
Whereas, Party of the Second Part desires to occupy and construct improvements over the following described section of said easement, to wit: a 14' x 24' permanent wood shed structure encroaching 4-feet on to the 8 foot public utility easement described above, hereinafter referred to a Tract "A".

NOW THEREFORE, in consideration of the premises and the several mutual and reciprocal promises of the parties, it is agreed as follows:

- (1) The Party of the First Part hereby agrees to permit the Party of the Second Part to occupy and construct improvements on, over and across the aforesaid public easement, and specifically waives any and all rights of action in law or equity against Party of the Second Part, arising out the Second Part's occupancy and encroachment on and over said easement.

- (2) The Party of the Second Part agrees that it will not begin construction of improvements, on, and across the said easement without first obtaining the Party of the First Part's approval of and all plans and specifications for such improvements.
- (3) In the event that a sanitary sewer within the abovedescribed utility easement requires repair and/or maintenance and the same is determined by the Party of the First Part to be impossible or impractical due to the presence of the encroachment described as Tract "A", the Party of the Second Part shall be obligated to either (a) pay the costs to replace that portion of the sanitary sewer within such encroachment; (b) remove the said encroachment and clear the said utility easement; or (c) pay the costs of tunneling under the encroachment to permit repair and/or maintenance of the sanitary sewer.
- (4) The Party of the Second Part agrees to protect and indemnify the Party of the First Part and adjacent property owners against any increased cost that may accrue to them due to the necessity of laying sewer line of greater distance to avoid connecting beneath any improvement that may be built on, over and across said easement. In the event the Party of the Second Part fails to provide such indemnification, the Party of the Second Part agrees that the Party of the First Part may assess any cost incurred by it against the property of the Party of the Second Part which property is described in **Exhibit "A"**, a copy of which is attached hereto and incorporated herein by reference. Such assessment shall be in the manner described in K.S.A. 12-6a 17, as amended from time to time.
- (5) The Party of the Second Part agrees to indemnify and hold harmless the Party of the First Part from any and all claims for personal injury and/or property damage resulting from the leaking, cave-in or failure of that portion of said sanitary sewer within Tract "A" and which injury and/or damage is caused by the presence of the encroachment into Tract "A".
- The Party of the Second Part hereby releases the Party of the First Part from any and all claim that it might have for property damage caused by work performed by the Party of the First Part or its employees, agents and contractors, in connection with the inspection, repair and/or maintenance of the sanitary sewer within the abovedescribed utility easement.
- (6) This agreement may be terminated by the Party of the First Part upon failure of the Party of the Second Part to comply with all of the terms of this agreement.
- (7) The provisions contained herein are to be construed as covenants running with the land and may be enforced against any titleholder of the within described premises, so long as the structure contemplated by this agreement is in existence.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their names the day and year first above written.

By 

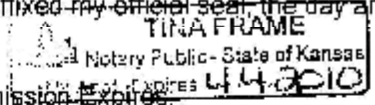
Shelley & John Taylor  
918 N. Stratford Road  
Wichita, Kansas

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this 22<sup>nd</sup> day of Feb., 2008, before me, a Notary Public in and fore said county and state, came John and Shelley Taylor, to me personally known to be the same person(s) who executed the within and foregoing instrument and duly acknowledged the execution of the same, Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and last written.

Tina Frame  
Notary Public

  
My Commission Expires: 4-4-2010

and

CITY OF WICHITA, KANSAS

ATTEST:

By \_\_\_\_\_

Mayor, Party of the First Part

\_\_\_\_\_  
City Clerk

STATE OF KANSAS, SEDGWICK COUNTY, ss:

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me, a Notary Public in and fore said county and state, came, \_\_\_\_\_, Mayor of the First Part, of Wichita, Kansas, me personally known to be the same person who executed the within and foregoing instrument, and duly acknowledged the execution of the same, for and on behalf, and as the act and deed of said Party of the First Part.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, the day and last written.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Approved as to Form

Gay E. Schenck  
Director of Law





9TH

## Exhibit "A"

16 foot Utility Easement

RD  
Shelley & John Taylor  
918 N. Stratford Road  
Lot 3, Replat of Blk. S  
1st Addn. to Woodlawn Village





Tract "A"

14' x 24' Shed  
Encroaching on  
Utility Easement

918 N. Stratford Road





City of Wichita  
City Council Meeting  
May 13, 2008

**TO:** Mayor and City Council

**SUBJECT:** 36-inch Water Main – 1<sup>st</sup> Street and McComas to Douglas and Hoover  
(Districts IV and V)

**INITIATED BY:** Water Utilities

**AGENDA:** Consent

---

**Recommendation:** Approve the budget increase for the 36-inch water main from 1<sup>st</sup> Street and McComas to Douglas and Hoover.

**Background:** On December 20, 2005, the City Council approved the expenditure for a 36-inch water main to be constructed in Douglas from Hoover to Maple. On November 7, 2006, City Council approved a 36-inch water main to be constructed in 1<sup>st</sup> Street and McComas. The Water Master Plan identified both projects as necessary parts of a plan to ensure adequate service levels now and in the future.

**Analysis:** On March 7, 2008, bids were opened for the construction of the 1<sup>st</sup> Street and McComas to Douglas and Hoover project. All of the bids were higher than the remaining project budget of \$1.1 million. A budget increase is required to successfully let the project and have adequate monies for engineering and inspection.

**Financial Considerations:** Capital Improvement Program project W-1191, 36-inch water main from 1<sup>st</sup> Street and McComas to Douglas and Hoover, has an initiated budget of \$1.5 million. Capital Improvement Program project W-1192, 36-inch water main in Douglas from Hoover to Maple, has an initiated budget of \$1.1 million. Combining the initiated budgets from W-1191 and W-1192, and adding \$76,000 from the Street Maintenance Fund to cover paving expenses will allow the current project to be built within the construction estimates. The project will be funded from Water Utility revenues and reserves, and/or a future revenue bond issue. The remaining work that was planned as part of W-1192, will be accounted for in a future separate Capital Improvement Program project.

**Goal Impact:** This project addresses the ensuring efficient infrastructure by providing reliable water service to Water Utilities' customers.

**Legal Considerations:** The Law Department has approved the Resolution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the budget increase.

**Attachments:** Resolution

## RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. **05-668** PERTAINING TO THE CONSTRUCTION OF A 36" WATER LINE IN DOUGLAS FROM HOOVER TO MAPLE BOOSTER STATION (W-1192) IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That Section 1 of Resolution No. **05-668** is hereby amended to read as follows:

**"SECTION 1.** It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, **construction of a 36" water main in Douglas from Hoover to Maple Booster Station (W-1192)** (called the "Project"). The total costs of the Project are estimated to be two million six hundred thousand dollars (\$2,600,000) exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project."

SECTION 2. That Section 3 of Resolution No. **05-668** is hereby amended to read as follows:

**"SECTION 3.** It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed **two million six hundred thousand dollars (\$2,600,000)** exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose."

SECTION 3. That the original of Sections 1 and 3 of Resolution **05-668** is hereby rescinded.

Adopted at Wichita, Kansas, \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
CARL BREWER, Mayor

ATTEST:

\_\_\_\_\_  
Karen Sublett, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
GARY E. REBENSTORF, Director of Law



(Published in the Wichita Eagle, on \_\_\_\_\_, 2008.)

**NOTICE OF INTENTION TO CONSTRUCT, RECONSTRUCT, ALTER, REPAIR, IMPROVE, EXTEND AND ENLARGE THE WATER UTILITIES OWNED AND OPERATED BY THE CITY OF WICHITA, KANSAS, AND TO ISSUE REVENUE BONDS, IN A TOTAL PRINCIPAL AMOUNT WHICH SHALL NOT EXCEED \$2,600,000 FOR THE PURPOSE OF PAYING CERTAIN COSTS THEREOF.**

TO: THE RESIDENTS OF THE CITY OF WICHITA, KANSAS

You and each of you are hereby notified that the Governing Body of the City of Wichita, Kansas, by Resolution No. 08-\_\_\_\_\_, duly adopted \_\_\_\_\_, 2008, has amended Section 1 of Resolution 05-668 to read as follows:

**“SECTION 1.** It is hereby found and determined to be necessary and advisable to construct, reconstruct, alter, repair, improve, extend and enlarge the City of Wichita, Kansas Water and Sewer Utility such construction, reconstruction, alterations, repairs, improvements, extensions and enlargements to include, but not be limited specifically to, **construction of a 36” water main in Douglas from Hoover to Maple Booster Station (W-1192)** (called the “Project”). The total costs of the Project are estimated to be two million six hundred thousand dollars (\$2,600,000) exclusive of the cost of interest on borrowed money. Available and unencumbered funds of the Utility will be used to pay a portion of the costs of the Project.”

You are hereby further notified that Section 3 of Resolution R-05-668 has been amended to read as follows:

**“SECTION 3.** It is hereby found and determined to be necessary and advisable to issue revenue bonds of the City, in a total principal amount which shall not exceed **two million six hundred thousand dollars (\$2,600,000)** exclusive of the cost of interest on borrowed money, under the authority of the Act, to pay certain costs of the Project, and the expenses of issuing such revenue bonds. Such revenue bonds shall not be general obligations of the City payable from taxation, but shall be payable from the revenues derived from the operations of the Utility. Costs of the Project in excess of the proceeds of such revenue bonds shall be paid from unencumbered moneys of the Utility which will be available for that purpose.”

This Notice of Intent shall be published one time in the official newspaper of the City; and if, within Fifteen (15) days from and after the publication date hereof, there shall be filed in the Office of the City Clerk a written protest against the Project and the issuance of the revenue bonds, which protest is signed by not less than Twenty Percent (20%) of the qualified electors of the City, then the question of the Project and the issuance of the revenue bonds shall be submitted to the electors of the City at a special election which shall be called for that purpose as provided by law. If no sufficient protest to the Project and the issuance of the revenue bonds is filed within said Fifteen (15) day period, then the Governing Body shall have the authority to authorize and proceed with the Project and the issuance of the revenue bonds.

BY ORDER of the Governing Body of the City of Wichita, Kansas, on \_\_\_\_\_, 2008.

\_\_\_\_\_  
/s/ Carl Brewer, Mayor

ATTEST:

\_\_\_\_\_  
/s/ Karen Sublett, City Clerk

**City of Wichita  
City Council Meeting  
May 13, 2008**

**TO:** Mayor and City Council

**SUBJECT:** Grant with the Kansas Department of Transportation (All Districts)

**INITIATED BY:** Wichita Transit

**AGENDA:** Consent Agenda

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**Recommendation:** Apply for grant and authorize the Mayor to execute the contract with the Kansas Department of Transportation (KDOT).

**Background:** On May 10, 1999, Governor Bill Graves signed into law House Bill 2071, which provides for a new state Comprehensive Transportation Program (CTP). The CTP provides funding to address highway, shortline railroad, aviation and public transportation needs over the next ten years.

Under the provision of the CTP, the City of Wichita has been allotted \$1,085,375 for FY 2009 (July 1, 2008 through June 30, 2009), which may be used for capital or operating expenditures.

The KDOT grant application process requires official action by the governing body authorizing the filing of grant applications, execution of approved grants, and receiving funds to administer the grant's program. The purpose of this action is to authorize the City of Wichita - Wichita Transit to file for eligible state funds in support of the city's Transit services for capital purchases and operations. This action is similar to what the city filed for KDOT's FY 2008 funds last year.

A public hearing was held on May 12, 2008, at the Transit Operations Center to solicit public comment.

**Analysis:** The grant will provide for continued KDOT-funded service enhancements, including enhanced midday fixed route operations, purchase of associated fuels, transit security program, and ADA paratransit support.

**Goal Impact:** Funding from this grant will support transit's role in providing for an efficient and effective infrastructure, as well as quality of life objectives.

**Financial Considerations:** The \$1,085,375 funds are 100% grant supported and require no matching funds. There are no city funds involved in this project.

**Legal Consideration:** The city's Law Department will review the contract prior to execution as to form.

**Recommendations/Actions:** It is recommended that the City Council approve the filing for the grant with KDOT and authorize the Mayor to execute the contract.

City of Wichita  
City Council Meeting  
May 13, 2008

Agenda Report No.

**TO:** Mayor and City Council Members

**SUBJECT:** Traffic Signalization Program (Districts I, II, III, V & VI)

**INITIATED BY:** Department of Public Works

**AGENDA:** Consent

-----

**Recommendation:** Approve the project.

**Background:** The 2007-2016 Capital Improvement Program (CIP) includes an ongoing project to install traffic signals at major intersections.

**Analysis:** The proposed locations for the 2008 program year are listed below in priority order:

21<sup>st</sup> & Greenleaf  
I-135 & Hydraulic (south interchange)  
29<sup>th</sup> & Ohio  
Pawnee & Webb  
135<sup>th</sup> St. West & Kellogg (to be installed with County/KDOT Project)  
Corporate Hills & Webb  
Oliver pedestrian crosswalk, between 17<sup>th</sup> and 21st

**Financial Considerations:** The budget contained in the CIP for 2008 is \$350,000. The funding source is General Obligation Bonds. It is doubtful that the budget is sufficient to install signals at all of the listed locations. Unfunded locations will carry over to the 2009 program and be reprioritized.

**Goal Impact:** This project addresses the Ensure Efficient Infrastructure goal by improving traffic flow through busy intersections in the community

**Legal Considerations:** The Law Department has approved the authorizing Resolution as to legal form.

**Recommendation/Action:** It is recommended that the City Council approve locations, approve the project and adopt the Resolution.

**Attachments:** Map, CIP Sheet and Resolution.

132019

First Published in the Wichita Eagle on

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION FINDING IT NECESSARY TO CONSTRUCT **TRAFFIC SIGNAL SYSTEMS AT THE INTERSECTIONS OF 21ST STREET AND GREENLEAF; I-135 FREEWAY AND HYDRAULIC; 29TH STREET NORTH AND OHIO; PAWNEE AND WEBB; 135TH STREET WEST AND KELLOGG; CORPORATE HILLS AND WEBB AND OLIVER BETWEEN 17TH AND 21ST STREETS NORTH (2008 TRAFFIC SIGNALIZATION PROGRAM) (472-84720)** AND AUTHORIZING THE ISSUANCE OF BONDS BY THE CITY OF WICHITA AT LARGE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WICHITA, KANSAS;

SECTION 1. That the City of Wichita desires to make certain related improvements as follows:

The design and construction of Traffic Signal Systems.

SECTION 2. That the cost of said improvements shall be paid by the issuance of bonds by the City of Wichita at large. The total cost is estimated not to exceed \$350,000, exclusive of the cost of interest on borrowed money.

SECTION 3. That the advisability of said improvements is established as authorized by K.S.A. 13-1024c and City of Wichita Charter Ordinance No. 156.

SECTION 4. That this Resolution shall take effect and be in force from and after its passage and publication once in the official City paper.

PASSED by the governing body of the City of Wichita, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CARL BREWER, MAYOR

ATTEST:

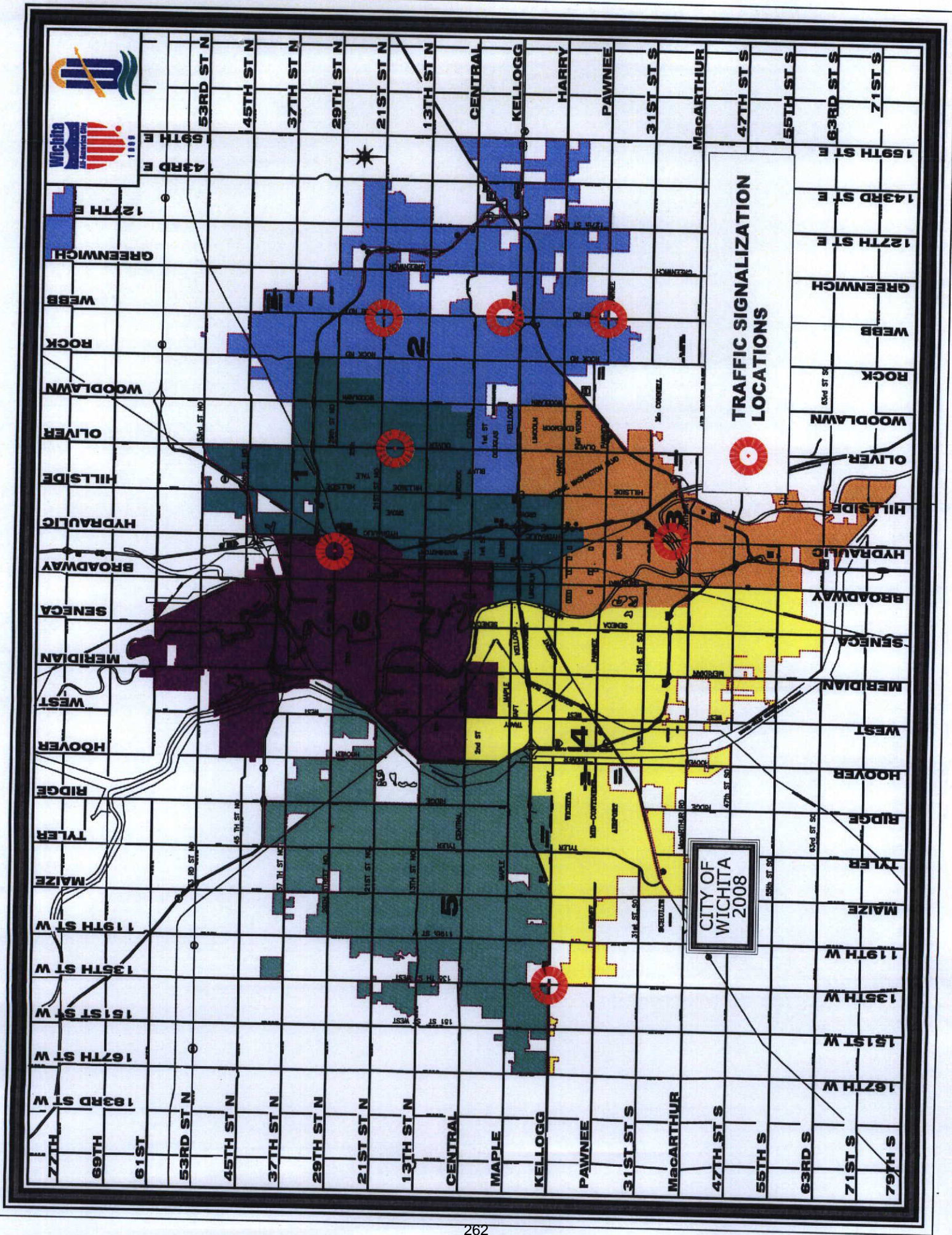
\_\_\_\_\_  
KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED:

\_\_\_\_\_  
GARY REBENSTORF, DIRECTOR OF LAW







**CAPITAL IMPROVEMENT**

**PROJECT AUTHORIZATION**

**CITY OF WICHITA**

USE:

To Initiate Project

To Revise Project

☒

☐

1. Prepare in triplicate

2. Send original & 2 copies to budget.

3. City Manager to sign all copies.

4. File original w/ initiating resolution in City Clerk.

5. Return 2nd copy to initiating department.

6. Send 3rd copy to Controller.

|  |                               |                                    |   |
|--|-------------------------------|------------------------------------|---|
| 1. Initiating Department<br>Public Works | 2. Initiating Division<br>Eng | 3. Date<br>4/22/2008               | 4. Project Description & Location<br>2008 Traffic Signalization Program |
| 5. CIP Project Number<br>MS-200432       | 6. Accounting Number          | 7. CIP Project Date (Year)<br>2008 | 8. Approved by WCC Date   |
| 9. Estimated Start Date                  | 10. Estimated Completion Date | 11. Project Revised                |   |

| 12. Project Cost Estimate |           |    |     | 12A.      |
|---------------------------|-----------|----|-----|-----------|
| ITEM                      | GO        | SA | LST | TOTAL     |
| Right of Way              |           |    |     |           |
| Paving, grading & const.  |           |    |     |           |
| Bridge & Culverts         |           |    |     |           |
| Drainage                  |           |    |     |           |
| Sanitary Sewer            |           |    |     |           |
| Sidewalk                  |           |    |     |           |
| Water                     |           |    |     |           |
| Traffic Signals           | \$350,000 |    |     | \$350,000 |
| Totals                    | \$350,000 |    |     | \$350,000 |
| Total CIP Amount Budgeted |           |    |     |           |
| Total Prelim. Estimate    |           |    |     |           |

Platting Required

Lot Split

Petition

Ordered by WCC

Yes

No

Remarks:

472-84720

13. Recommendation: Approve the Project and Resolution

|                   |                     |                    |              |
|-------------------|---------------------|--------------------|--------------|
| Division Head<br> | Department Head<br> | Budget Officer<br> | City Manager |
|                   |                     |                    | Date         |